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To: Members, State of Nevada Assembly Commerce and Labor Committee
From: Lillie Englund, Board Member, Southern Nevada Association for the Education of
Young children (SNAEYC); Owner and Director, Imprints Day School, 8185
Tamarus Street, Las Vegas, Nevada 89123 (702-270-2077,
lillie@imprintsdayschool.com)

Date: March 31, 2003

Dear Members:

It was brought to my attention on Friday, March 28, 2003, that AB497, **[Exempts licensed child care facility from regulation as food establishment.(BDR 40-1199)]**, is on the agenda for today's committee hearing.

I would like to speak both as an Owner/Director of a licensed facility and as a member of SNAEYC, **in favor of this exemption**. I believe that regulating a Child Care Center as a food establishment severely impacts the ability to provide home-like service to children in group and facility care. I believe that it will cause such difficulty in managing and serving food that it will discourage new facilities from opening and will keep existing facilities and homes from continuing to operate. Further, the responsibility and liability for serving food that is healthy and prepared under sanitary conditions is clearly that of the child care operator.

As an active representative of early childhood issues, I attended the Clark County Health Department Regulatory meetings where the changes in the enforcement of the law were discussed. When the Health Department begins to enforce the operation of Child Care Facilities as food establishments, we were told that we would not be allowed to "cut an apple" or "spread cream cheese" without a full commercial kitchen. We were further told that it was not the Health Departments job to make sure that children had proper nutrition, only that which they are served is clean and sanitary.

Every food item would have to be individually portioned pre-packaged product, and stored according to manufacturer's specifications. This was interpreted by the Health Department to mean "commercial refrigeration" with no home-style appliances allowed. The only alternative to this procedure would be to have all food catered with the caterer having full responsibility for proper transport and storage. The financial impact of this alternative would raise the cost of care by an average of \$5.00 per meal.

The results of this interpretation of the law means that while children from birth to 12 years of age are in care provided by facilities and group homes, they must eat only prepackaged foods that can be stored at room temperature. We (providers) are required by childcare regulations to provide at least 50% of the daily nutrition for children in care 10 hours or more. Many children have their best meals of the day in their child care settings. Parents often depend on this and plan their evening meals accordingly.

Our "Mom and Pop" facility (Imprints Day School) opened in July of 1998. It was built under existing law regulating food establishments. We were approved, under current Clark County Health Department interpretation as a facility that was allowed

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"food preparation only" which means no raw meats, and no frying. We worked closely with the Health Department at that time to provide the highest quality facility possible under current interpretation of the law.

We obtained an appraisal from our Construction Service, under consultation with the Clark County Health Department, to upgrade our kitchen to full commercial service. We currently have commercial refrigeration and a three-part sink as well as proper hand washing facilities. The estimate that we were provided totaled an astounding \$68,206.24. The kitchen Hood, Ansul fire suppression (Captive Aire) system, 48' X 48", had a line item of \$39,584.40. In addition we would have to resurface our ceiling and floors and remove all wood cabinetry and replace it with stainless steel.

I respectfully request that you consider for all Nevada childcare providers, when you move to exempt child care facilities from regulation as food establishments. We want to provide the best for Nevada's children in order to secure a healthy tomorrow. We need to be allowed to feed them well, and in ways that are appropriate to continued service.

Thank you for your time and attention.

Sincerely,

Lillie Englund