Reply to
Attn. of: CACFP-415

DEC 20 1994

Subject: Applicability of Public Law (P.L.) 103-227 to Child and Adult Care Food Program (CACFP)

To: STATE AGENCY DIRECTORS - Colorado DH, Iowa, Kansas, Missouri DH,
(Child Nutrition Programs) Montana DHES, Nebraska ED, North Dakota,
South Dakota, Utah and Wyoming ED

As you may be aware, Part C of the P.L. 103-227, known as the Pro-Children Act of 1994, was enacted on March 31, 1994. Among its provisions are those which forbid smoking within any indoor facility owned, leased or contracted for the provision of regular or routine health care or day care or early childhood development services to children. The children's services covered by the legislation are defined as health, day care, education or library services provided on a routine or regular basis and funded by Federal grants, loans or contract programs. CACFP is an entitlement program rather than a grant, loan or contract program.

Within the past several months, we were informed that a child care advocacy group, the Child Care Law Center, reported in its newsletter that the smoking prohibitions contained in this legislation applied to entities participating in the CACFP. Although the Food and Consumer Service had always taken the position that these provisions did not apply to the CACFP, we consulted with the Office of the General Counsel on this matter. As verified, the provisions of this legislation are not applicable to the CACFP.

If you have any questions on this matter, please feel free to contact our office at (303) 844-0359.

Ann C. De Groat
ANN C. DEGROOT
Regional Director
Child Nutrition Programs