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### Using Policy to Promote Food Access in Rural Communities

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KANSAS FARMERS' MARKETS

# Using Policy to Promote Food Access in Rural Communities

## June 10, 2014



Kansas Health Foundation



## **Mission**

To improve the health of Greater Kansas City's children by informing, advocating, and mobilizing the resources and talents of our community to improve healthy eating and active living.

## **Vision**

A Greater Kansas City that champions health and well-being for children and families.



## Initiatives:

- Greater Kansas City Food Policy Council
- Farm to School Academy
- Healthy Kids Initiative/Youth Advocacy

# The Public Health Law Center



# The Public Health Law Center



We do:

- Legal research
- Policy development
- Publications
- Trainings



We don't:

- Direct representation
- Lobby

# Just a reminder....

The legal information and assistance provided in this training does not constitute legal advice or legal representation.



# Policy

Any **written** plan or course of action designed to **influence** and determine decisions





# Levels of Regulation

Federal



State



Local



Internal  
Policy/  
Rules



# Policy change

Making the  
healthy choice  
the easy choice



Barriers and  
**opportunities** to  
increasing access  
to **fresh**, quality  
food



# Best Practices for Local Planning



# Attention Grocers!

They need your voice at the local level

- Comprehensive planning
- Zoning
- Ordinances
- Resolutions
- Community design standards
- Local food and farm groups



# Local planning

## CITY OF EAGAN

### A RESOLUTION OF THE CITY COUNCIL DECLARING THE CITY OF EAGAN TO BE A HEALTHY EATING AND ACTIVE LIVING COMMUNITY

#### SECTION 5. ACCESS TO HEALTHY FOODS

BE IT FURTHER RESOLVED that in order to increase access to healthy foods and beverages, the City Council supports every effort to:

- Continue development and sustainability of community gardens and farmers' markets;
- Inventory unused land owned by the City that could be made available for additional community gardening;
- Encourage growth and sustainability of farmers' markets by encouraging EBT / SNAP access to and incentives for all licensed farmers' markets in the City;
- Identify and take active steps to resolve any public transportation barriers that inhibit community access to full-service grocery stores, supermarkets, corner stores, farmers' markets and community gardens

# Farmers' Market Resources

- A Guide to Operating Farmers' Markets in Kansas
- State Laws Impacting Farmers' Markets in Kansas
- Local Government Regulation of Farmers' Markets in Kansas
- Farmers Market Vendor and Market Rules
- Organizational Structure of Kansas Farmers' Markets

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KANSAS FARMERS' MARKETS

## A Guide to Operating Farmers' Markets in Kansas

Income in farmers' markets is growing across Kansas, with the number of these markets increasing more than four-fold in the past two decades. The growth of farmers' markets is closely tied to community efforts to support local producers (sources of fresh, local, and healthy foods) and grow local economies. The resources included in this guide provide direction to local communities seeking to support the development, growth, and success of local farmers' markets in Kansas.

**Why is this information important?**

Certain laws and policies may strengthen and encourage the operation of farmers' markets within a Kansas community, while others can hinder or hinder the success of a market. As the result of each farmers' market vary based on the community's needs, there is not a one-size-fits-all approach to operating a farmers' market or implementing local ordinances supporting these markets. Understanding the regulatory environment of a community's market can help identify potential policy changes or programs a community to anticipate the needs of a new or existing market.



This fact sheet is part of a series funded by the Kansas Health Foundation to increase the availability of healthy foods in Kansas.

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KANSAS FARMERS' MARKETS

## State Laws Impacting Farmers' Markets in Kansas

State laws can impact what happens to food as it travels from the farm to a consumer shopping at a farmers' market in Kansas. From the House Legislature to the Kansas Department of Agriculture, several state government bodies have roles in creating policy that will impact the cost, availability, and quality of products eventually reaching the consumers. It may be intimidating to consider how these state laws may impact your farmers' market. Understanding how state laws impact a farmers' market will help ensure that your community farmers' market follows state law and optimizes state programs promoting farmers' markets, while also making your market a safe place to visit and consume.

**What is this?**

This resource identifies key Kansas state laws that may impact local farmers' markets. In the following chart, please note that not every state law impacting farmers' markets is included. The left-hand side of the chart summarizes the general content of the specific law listed, the right-hand side provides the legal citation. This document is meant to be used as a companion piece to "Local Government Regulation of Farmers' Markets in Kansas" and "Farmers' Market Vendor and Market Rules".

**What to do next?**

Review the laws in the chart. For the actual regulatory language, please visit the [Kansas Legislature website](#). The Kansas Department of Agriculture also has several resources addressing different state laws impacting farmers' markets, available at [this website](#).



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KANSAS FARMERS' MARKETS

## Local Government Regulation of Farmers' Markets in Kansas

The growth of farmers' markets in Kansas is closely tied to community efforts to support local producers and grow local economies, while also providing an important source of fresh, local, and healthy foods. Understanding the laws and policies impacting farmers' markets is critical to ensure market success and viability.

Local governments regulate farmers' markets in different ways, depending on the needs of their communities. Some local governments use very specific language and regulatory provisions to address the unique attributes of farmers' markets, while others include farmers' markets in broader regulatory language, regulating farmers' markets in the same way that other types of food establishments or businesses are regulated. Notably, certain laws and regulations may strengthen and encourage the operation of farmers' markets within a certain community, while others hinder or hinder the prosperity of farmers' markets.

**What is this?**

This resource provides a guide for those interested in working with local Kansas governments to use local laws to enhance and support the growth and vitality of local farmers' markets. Please consider the questions posed in the guide in order to understand



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KANSAS FARMERS' MARKETS

## Farmers' Market Vendor and Market Rules

Farmers' markets often have handbooks or specific rules for vendors that guide market operation. These requirements, however, may greatly vary between different markets, depending on the unique characteristics of a specific market, as well as the needs of the individual vendors and local communities involved.

**What is this?**

This assessment of vendor and market rules provides a variety of public domain resources in Kansas, including when and how to connect, as well as body criteria and public markets. This resource provides a checklist and guide for those interested in working with local Kansas communities to establish a new market or support the development of an existing farmers' market.

**How should this information be used?**

This information provides a general guide to the different operational rules a farmers' market might want to consider for the market, recognizing that each community will need to evaluate how best to support its market based on its own unique local food and health context. This information can be used to facilitate a conversation about the current state of a community farmers' market and develop potential goals and



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KANSAS FARMERS' MARKETS

## Organizational Structure of a Farmers' Market

*Kansas State Registration, Non-Profit Status, & Tax Exemptions*

An farmers' market continues to grow and evolve in Kansas, many markets are considering how to best structure their organization for liability, governance, and tax purposes. The organizational structure of a farmers' market impacts how federal, state, and local governments treat that market. This resource provides information on organizational considerations a Kansas farmers' market may want to evaluate, including:

- Participating in the Central Registration of Kansas Farmers' Markets
- Applying for Non-Profit Status under Kansas State and
- Seeking federal and state tax exemptions.

Navigating non-profit status and tax exemptions can be complicated because the rules and processes are extremely specific to the organization. The information provided in this resource is merely an introduction to these areas and is not meant to provide in-depth information.

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# Levels of Regulation

Federal



Federal Meat  
Inspection Act

State



2012 Kansas  
Food Code

Local



Organized Farmer's  
Markets; License  
Requirements (Sec. 3.94.030  
of Wichita Code).

Vendor &  
Market  
Rules



KCK Green Market  
Guidelines









# Key Considerations

- Regulation and **policy impacts the ability** for farmers' markets **to form or expand**
- These regulations and policies need to be considered at the **state, local, and market level**
- Understanding these **tiered considerations and the right questions to ask** helps to move toward the central goal of **access to local food**

# Greater Kansas City Grocery Store Access Task Force

Task Force composition/timeline

Top three recommendations:

- Advisory team
- Streamline process within City Government
- Healthy Food Financing



<http://www.kcfoodpolicy.org/research>

# Fresh Food Financing Initiatives

Public funding to increase number of food retail outlets serving fresh, healthy foods or increase fresh, healthy food being served at existing retail environments



# What's in a name?

- Food Systems Advisory Council
- Food and Farm Local Task Force
- Food and Nutrition Commission
- Local Food Advisory Council
- Food Security Advisory Board
- Food Policy Council



**Attention Grocers!**

They need your voice



# Questions?

[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)

[www.kchealthykids.org](http://www.kchealthykids.org)



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## Healthy Eating

Policy tools and legal resources to  
promote nutrition and prevent obesity

