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### Legal and Policy Issues Impacting Rural Grocery Stores

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PUBLIC HEALTH  
LAW CENTER

Healthy Eating | Active Living

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Kansas Health Foundation



# *Legal and Policy Issues Impacting Rural Grocery Stores*

**June 7, 2016**

Natasha Frost and Julie Ralston Aoki,

Staff Attorneys, Public Health Law Center

Leslie Wilson, Policy Assistant, KC Healthy Kids

# Publications



## PUBLICATIONS

### 3-Part series: Kansas' damaging grocery tax

We're taking a hard look at the tax facts....

[Read More](#)



## PUBLICATIONS

### Advocacy webinar helps you create change in Kansas

Get the basics and tips and tricks from insiders in...

[Read More](#)



## PUBLICATIONS

### A Guide to Operating Farmers Markets in Kansas

This five-part series explains regulations that affect the growth and...

[Read More](#)



# The Public Health Law Center









## What does the Public Health Law Center do?



We help Drue eat strawberries and kale!



# Legal Technical Assistance

-  Legal Research
-  Policy Development
-  Publications
-  Trainings
-  Direct Representation
-  Lobby



**Equality**

doesn't mean

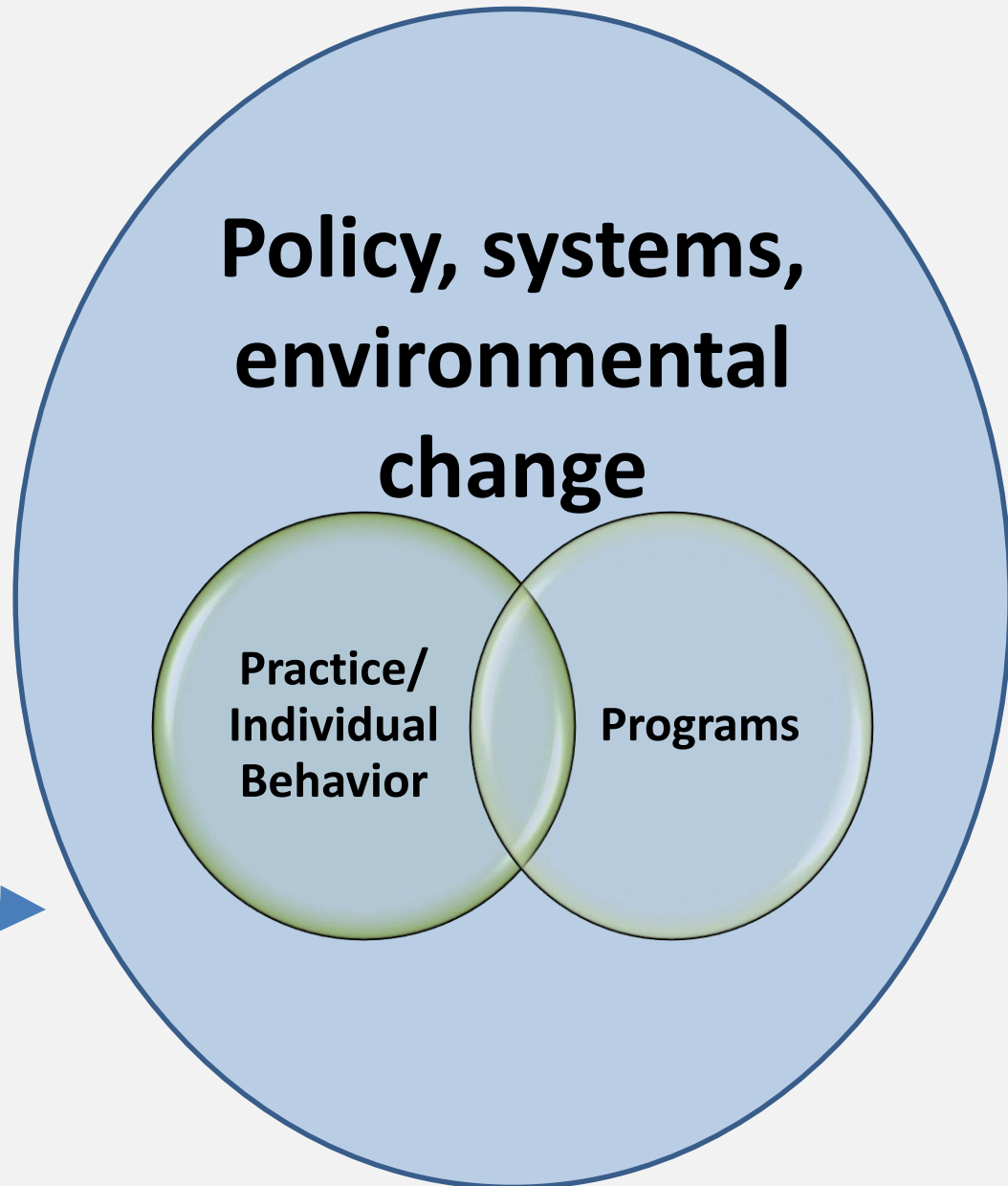
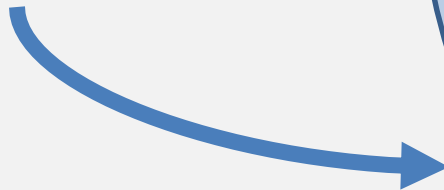
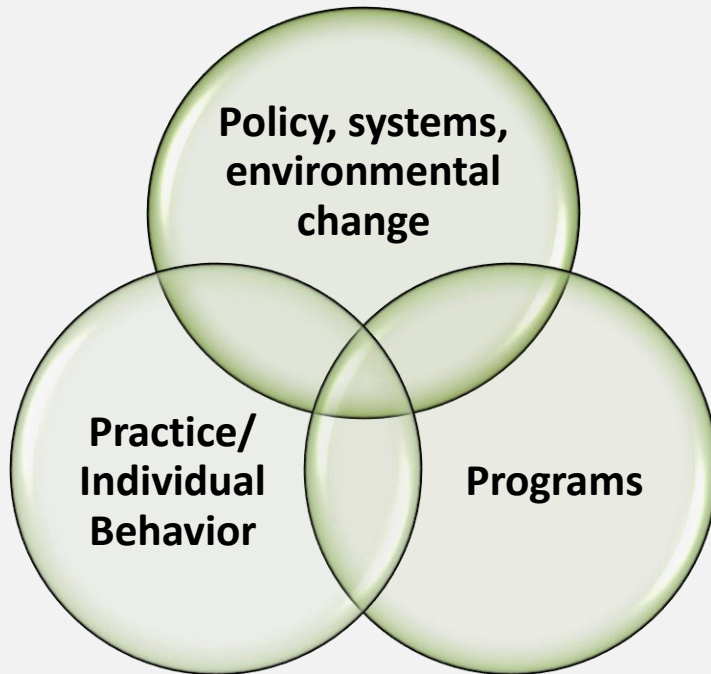
**Equity**

# Policy

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









KANSAS FOOD COUNCILS

## Drafting a Resolution to Create a Food Council

A community food council examines how the local food system operates, and provides policy recommendations to improve that system. A food council is often made up of a diverse group of stakeholders for the purpose of improving the food environment within a particular community.

Creating a food council through resolution is a powerful tool that a local government can utilize to interact with the community in policymaking and seek guidance on complex issues. Food councils are becoming more commonly used and have proven to be an effective process for implementing and executing state and local food policies.

No food council is set up or run exactly the same; each one can be adapted to the specific needs of each community. That being said, a governing body can look to existing committees and councils in order to determine the organizational structure of the entity. Likewise, a food council can have any name and that name can be changed to match goals or objectives of that community. The term "food council" will be

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



Public Health Law Center 875 Summit Avenue St. Paul, Minnesota 55105 [www](http://www)



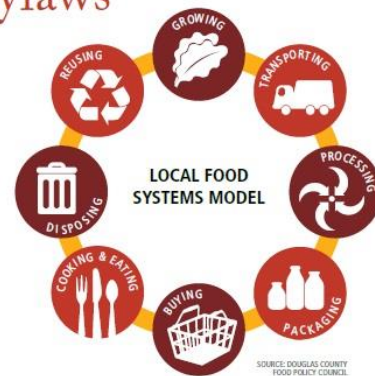
- What's in**
- How to
  - Sample
  - Who should
  - Job desc
  - Example



KANSAS FOOD COUNCILS

## Food Council Bylaws

Food councils examine the local food system and provide recommendations to improve that system.



## The Food System

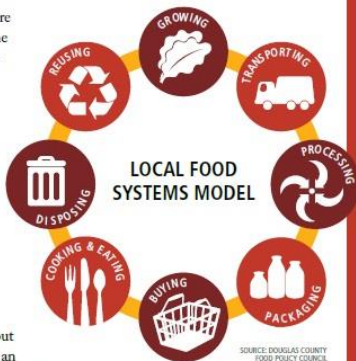
Our food choices impact every aspect of our society and economy

How we currently get food from the farm to our plates is a mystery to many of us. Food distribution and procurement is a global system. It encompasses farmers, eaters, and all of the industries that link them together. Decisions are made every day by our local governments, businesses, and organizations that influence where our food is grown, how it is prepared, distributed, and served.

Local food systems are composed of all of the interdependent steps and actors that go into producing food that is grown and raised in a region. This includes planting, harvesting, storing, transporting, processing, packaging, and retailing of food.

Consumers seeking out locally grown food is an emerging trend in our region.

From the phenomenal growth in farmers' markets in our country, to the growing interest in school gardens, to the restaurants and grocers selling local foods — members of our community care about what they eat and how it impacts the place they call home.



### WELLNESS

The healthy (or not-so-healthy) foods we choose impact our individual health and can create burdensome healthcare costs for all.

### EQUITY

Not all members of our community have equal access to healthy, quality foods — leaving them vulnerable to food insecurity and malnutrition.

### ECONOMY

Where we buy food shapes our local economy. Buying locally-grown foods supports local farmers, and helps small and mid-sized agrribusinesses create new jobs.

### ENVIRONMENT

Food production and shipping can impact our landscapes and quality of life.

### This resource addresses:

- What are bylaws?
- How will the bylaws strengthen the goals and objectives of our council?
- Which provisions should be included in the bylaws?
- Sample language

Paul, Minnesota 55105 [www.publichealthlawcenter.org](http://www.publichealthlawcenter.org) 651.290.7506



The Public Health Law Center provides information and technical assistance on issues related to public health. The Public Health



# Legal and Policy Issues Impacting Rural Grocery Stores

- Healthy Food Financing/Appropriations
- Farmers' Market/Extending Growing Season
- Sales Tax
- Land Use/Planning/Zoning
- Licensing/Permitting
- Healthy, Local Procurement Policies
- Food Safety
- SNAP/WIC



# Kansas City Grocery Access Task Force



# Farmers Market Policy Work in Kansas



The image shows the cover of a report titled "A Guide to Operating Farmers' Markets in Kansas". The cover features the logos of the Public Health Law Center at William Mitchell College of Law and kchealthykids. Below the logos is a banner with the text "KANSAS FARMERS' MARKETS". The main title "A Guide to Operating Farmers' Markets in Kansas" is prominently displayed. A paragraph of text follows, discussing the growth of farmers' markets in Kansas and the resources provided in the guide. A section titled "Why is this information important?" explains that certain laws and policies can either strengthen or hinder the success of a market. A photograph of a farmers market with a sign that says "Farmers' Market Today" with an arrow pointing right is included. At the bottom, there is a small note about funding from the Kansas Health Foundation and the contact information for the Public Health Law Center.

Public Health Law Center  
AT WILLIAM MITCHELL COLLEGE OF LAW

kchealthykids

KANSAS FARMERS' MARKETS

## A Guide to Operating Farmers' Markets in Kansas

Interest 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 burden or hinder the success of a market. As the needs 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 impacting these markets. Understanding the regulatory environment of a community's market can help identify potential policy changes or empower a community to anticipate the needs of a new or existing market.

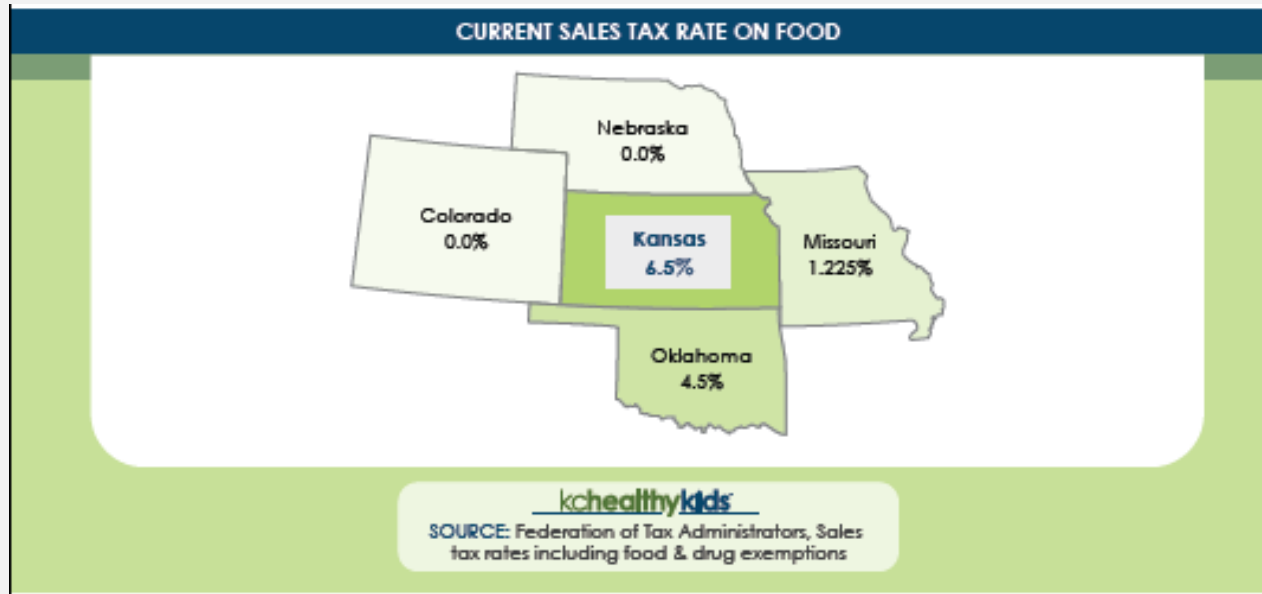
This fact sheet is part of a series funded by the Kansas Health Foundation to increase the availability of healthy foods in Kansas.

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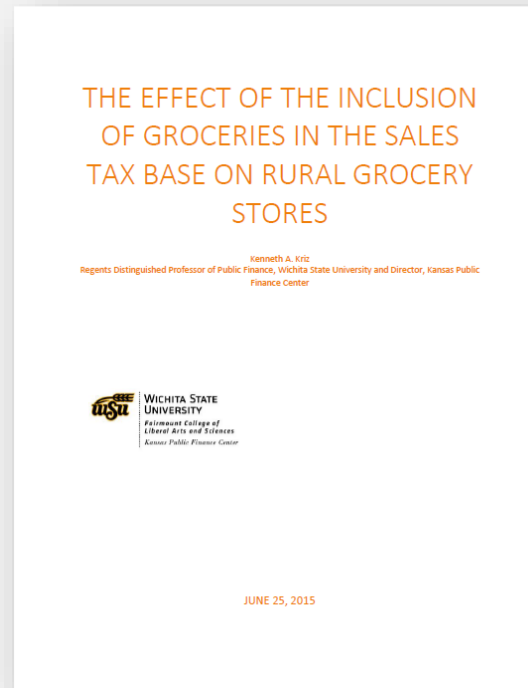
<http://www.kchealthykids.org/store/a-guide-to-operating-farmers-markets-in-kansas/>

# Sales Tax on Food in Kansas





# Sales Tax on Food: WSU White Papers



<http://www.kchealthykids.org/3-part-series-kansas-damaging-grocery-tax/>

# Planning 101

Purpose of local planning is to:

- Promote the health, safety, and general welfare
- Insure a safer, more pleasant and more economical environment for residential, commercial, industrial, and public activities
- Preserve agricultural and other open spaces
- Manage growth, change, and renewal of a community
- Improve the quality of life for its residents
- Protect you from your neighbors

# Planning 101

Planning is an interdisciplinary, collaborative field and is often used as an umbrella term to cover the following:

- Land use
- Zoning
- Economic Development
- Community Development
- Housing
- Urban Design
- Building Inspections





# Comprehensive Planning

- A public process that determines the vision, goals, and aspirations of an area in terms of community development.

The outcome of a comprehensive planning process is the Comprehensive Plan.



Public Health  
Law Center

AT WILLIAM MITCHELL COLLEGE OF LAW

Policy Options for Local Governments in Kansas

# Increasing Access to Healthy Food

JANUARY 2015



# Licensing & Permitting

# Other Local Policy Tools



**HEALTHY VENDING AND PROCUREMENT**

# Key Components of Food Procurement & Vending Policies

## *Drafting an Effective Policy*

Vending machines, snack stands, and cafeterias can

be found in many places in a community: worksites, parks, government buildings, public spaces. All too often, these outlets offer beverages that are high in calories, added sugars, and have little nutritional value. For example, a report found that only 5% of food vending machines on public property are healthy. (See *Vending: Snack and Beverage Options on Public Property*) Government facilities, businesses, and organizations can promote easier access to healthy food and beverages for their employees, guests, and community members by establishing food vending and procurement policies that include evidence-based nutrition standards. Making sure that these policies are included in their food vendor contracts and procurement processes can help.

This fact sheet outlines the key components of food vending and procurement policy and implementation to help government and private organizations implement these policies for their



**HEALTHIER FOOD AND BEVERAGE OUTLETS**

# From Small Steps to Big Leaps

## *Promoting Healthy Food & Beverage Choices in Parks & Recreation Facilities*

Parks and recreation departments across the country are realizing the important role they can play in promoting and modeling healthier food environments for kids, staff, and other community members. They already promote healthy behaviors such as physical activity and social connectivity through their sports and educational programs for people of all ages, as well as providing out-of-school time programs and activities for children and youth. They also can support the healthy choices of kids, parents, guests, and staff by providing healthy food and beverage environments.

Like schools, early learning centers, hospitals, and other organizations, parks and recreation departments can apply nutrition standards to the food and beverages they sell and serve to kids and other patrons to make sure they are offering options that support health. Organizations can approach this work in a variety of ways, tailored to their needs and situation. For example, a department could choose to apply a nutrition standard to all of the food and beverages served to kids in its out-of-school time (OST) programs, and/or in vending machines, but use a different percentage for concession food. Or a department could start by removing sugary beverages to offer 100% healthy beverages, but use a lower

percentage goal for food, perhaps gradually increasing it over time. Or a department could phase in their nutrition standards, starting with one type of venue or food outlet, or at one location, and gradually add more venues or more locations. This guide provides an overview of the key considerations that parks departments can take into account when determining what type of policy and implementation approach might work best for them.



This publication is part of a collection of resources designed to support healthier food and beverage operations. These resources are available at [www.publichealthlawcenter.org](http://www.publichealthlawcenter.org).



# Increasing Farm to Institution in Kansas

OCTOBER 2015







MINNESOTA FOOD SAFETY

# Preventing Foodborne Illness in Minnesota

## *Role of Local, State, and Federal Laws and Agencies*

Increasing access to healthy and safe food is a key focus of public health efforts to reduce chronic diseases associated with poor diets. This effort has largely focused on improving the availability and affordability of healthy food such as fruits, vegetables, low-fat dairy, and lean protein sources.<sup>1</sup> At the same time, efforts to promote access to healthy food can be complicated by safety concerns surrounding how food is grown, handled, and prepared.<sup>2</sup> Fresh fruits and vegetables and other nutritious foods are



### FOODBORNE ILLNESS

*(also referred to as foodborne disease, foodborne infection, or food poisoning)*

Illness caused by ingestion of food contaminated with disease-causing microbes, pathogens, poisonous chemicals, or other harmful substances.<sup>3</sup>

### FOODBORNE ILLNESS OUTBREAK

An occurrence of two or more people (called "cases") being sickened by ingesting a certain food,<sup>4</sup> resulting in vomiting, diarrhea, or other symptoms.<sup>5</sup>

### Part of a series on foodborne illness in Minnesota

Please consult the other resources accompanying this guide for additional information on:

- Government Response to Foodborne Illness
- Liability for Foodborne Illness & Injury

# Food Safety





# SNAP minimum stocking requirements

4 staple food categories:

- Meat, poultry, fish
- Bread or cereals
- Vegetables or fruits
- Dairy products

At least 50% of retail sales must come from staple foods, OR

Must stock at least 3 types of items in each category AND  
Must stock perishable (frozen or fresh) foods in at least 2  
categories



## New stocking requirements

- At least 7 types of items in each staple food category (was 3)
- At least 3 of the staple food categories must include perishable items (was 2)
- Require at least 6 stocking units for each type of food (new--discretionary)



## Proposed SNAP rule

Restrict what counts as a “staple food”

- Commercially processed foods and prepared mixtures with multiple ingredients that do not represent a single staple food category can not count as a staple food
- Accessory food items such as snacks or desserts also don't count



# Possible waiver

- FNS will consider whether the applicant is located in an area with significantly limited access to food.
- Factors FNS will consider:
  - distance from the nearest SNAP authorized retailer,
  - transportation options to other SNAP authorized retailer locations
  - the gap between a store's stock and SNAP required stock for authorized eligibility
  - and whether the store furthers the purpose of the Program.



# Building a Coalition of Advocates





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