



HEALTHY  
FOOD POLICY  
PROJECT



UConn  
**RUDD CENTER**  
FOR FOOD POLICY & OBESITY

# The tale of two policy databases

NOPREN Meeting  
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# Legislation Database

- Resource for the field, one-stop policy shop
- Started tracking legislation in 2010
  - 2010-2012: tracked proposed and/or enacted bills and amendments
  - 2013-present: only tracking proposed and/or enacted legislation
- Currently 3,052 bills in the database



# Legislation Database

- Types of policies: federal and state
- Broad range of topics related to the prevention of obesity and diet-related diseases
  - Access to healthy food
  - Breastfeeding
  - Farms and gardens
  - Food and beverage taxes
  - Food assistance programs
  - Marketing/advertising to children
  - Menu and package labeling
  - Preemption
  - School nutrition and physical activity
  - Weight bias

## Search Features:

- Year
- Jurisdiction type (federal or state)
- Topic

CA SB 1192 - Children's meals  
HI HB 1711 - Relating to Health  
HI SB 2056 - Relating to Health  
NH HB 1668 - Relative to children's meals served by food service establishments  
**RI SB 2739 - Healthy Beverage Act**

Select All

Generate an Excel Report

Federal/State: Rhode Island

Bill: **RI SB 2739 - Healthy Beverage Act**

Summary: This act would create the "Healthy Beverage Act" which would require that children's meals offered by restaurants include certain healthy beverage options if the beverage is automatically included in the meal.

Sponsor(s): Senators Hanna Gallo (D), William Conley (D), Susan Sosnowski (D), Ana Quezada (D), Ryan Pearson (D)

Status: As of 03-Apr-18: Introduced March 20, 2018



**E-Mail**



**Print**



## Project Overview & Database Exploration




# HEALTHY FOOD POLICY PROJECT

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

Identify and elevate **local laws** that seek to promote **access** to **healthy food**, and also contribute to **strong local economies**, an **improved environment**, and **health equity**, with a focus on **socially disadvantaged and marginalized groups**.

256 COOED LAWS	6 COMPONENTS	5 REAL STORIES
<h2>Policy Database</h2> <p>A curated, searchable database of healthy food policies at the local level around the United States, analyzed by HFPP.</p> <p><a href="#">Learn More</a></p>	<h2>Food System Crosswalk</h2> <p>A resource showing how food policy laws intersect with components of the food system, which HFPP defines as Grow, Process, Distribute, Get, Make, and Surplus/Waste Management.</p> <p><a href="#">Learn More</a></p>	<h2>Case Studies</h2> <p>In-depth case studies that showcase healthy food policy initiatives, and the people and communities that developed them.</p> <p><a href="#">Learn More</a></p>

# Food System Crosswalk



# What's in the Database?

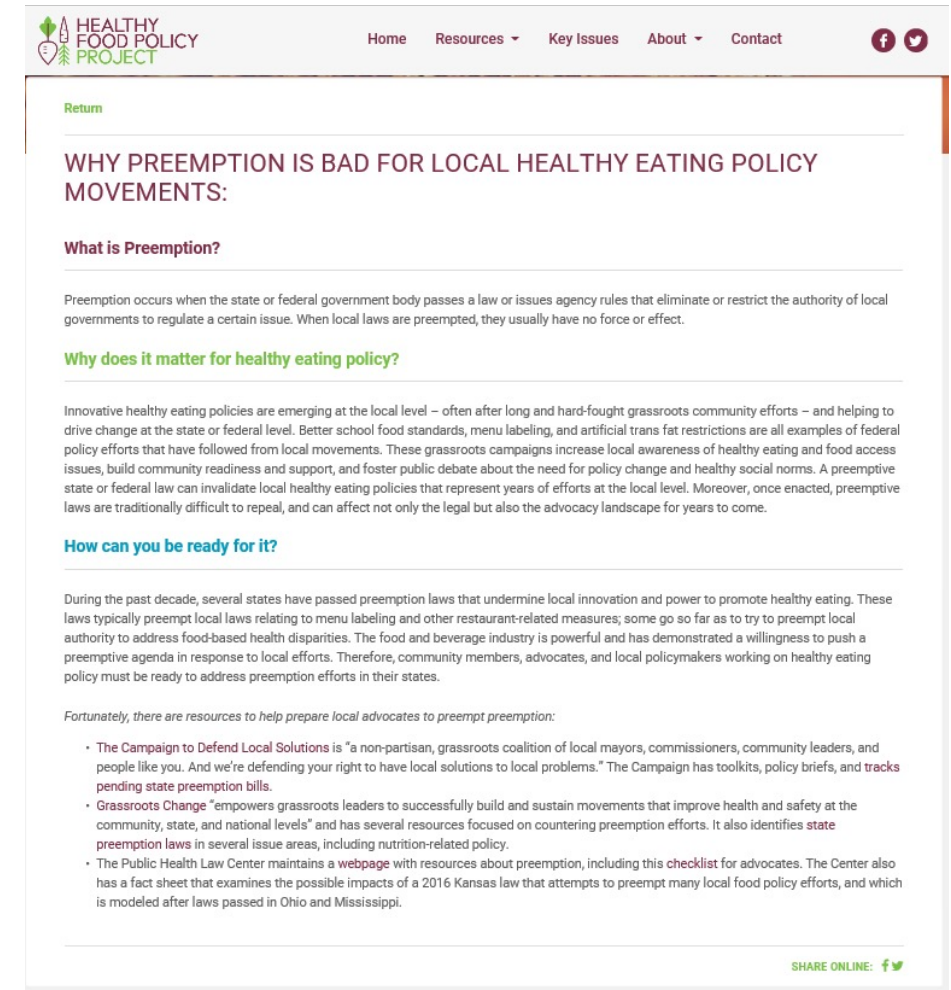
- Policies that:
  - Have a connection to healthy food access; and
  - Were passed or adopted at a local level (by municipal government—town, city, county, local board of health).

# What's not in the Database?

- Merely aspirational policies
  - Examples:
    - Resolutions stating a commitment to promoting healthy food access without requiring some kind of specific, defined, policy-related action within a defined time period.
    - Ordinances or resolutions approving the acceptance of grants for a healthy food access related initiative, or honoring a person or entity for healthy food access related work.
    - Comprehensive plans and other kinds of plans.
    - Policies that establish a food policy council, or workgroup, taskforce, commission, or similar body, unless the body is charged with taking specific, identifiable policy actions within a defined time period.

# Using the Database in Policy Development

- The database may provide **ideas** for policy approaches.
- Keep in mind:
  - Policy development is a multi-step process.
  - Policy should be tailored to the community.
  - A specific issue to consider is the concept of preemption.
    - Visit [healthyfoodpolicyproject.org/key-issues/preemption](https://healthyfoodpolicyproject.org/key-issues/preemption) for more info.

A screenshot of the Healthy Food Policy Project website. The header includes the logo, navigation links (Home, Resources, Key Issues, About, Contact), and social media icons. The main content area is titled "Return" and features a section on "WHY PREEMPTION IS BAD FOR LOCAL HEALTHY EATING POLICY MOVEMENTS:". It includes sub-sections for "What is Preemption?", "Why does it matter for healthy eating policy?", and "How can you be ready for it?". The text discusses the impact of preemption laws on local innovation and provides resources for advocates.

Return

## WHY PREEMPTION IS BAD FOR LOCAL HEALTHY EATING POLICY MOVEMENTS:

### What is Preemption?

Preemption occurs when the state or federal government body passes a law or issues agency rules that eliminate or restrict the authority of local governments to regulate a certain issue. When local laws are preempted, they usually have no force or effect.

### Why does it matter for healthy eating policy?

Innovative healthy eating policies are emerging at the local level – often after long and hard-fought grassroots community efforts – and helping to drive change at the state or federal level. Better school food standards, menu labeling, and artificial trans fat restrictions are all examples of federal policy efforts that have followed from local movements. These grassroots campaigns increase local awareness of healthy eating and food access issues, build community readiness and support, and foster public debate about the need for policy change and healthy social norms. A preemptive state or federal law can invalidate local healthy eating policies that represent years of efforts at the local level. Moreover, once enacted, preemptive laws are traditionally difficult to repeal, and can affect not only the legal but also the advocacy landscape for years to come.

### How can you be ready for it?

During the past decade, several states have passed preemption laws that undermine local innovation and power to promote healthy eating. These laws typically preempt local laws relating to menu labeling and other restaurant-related measures; some go so far as to try to preempt local authority to address food-based health disparities. The food and beverage industry is powerful and has demonstrated a willingness to push a preemptive agenda in response to local efforts. Therefore, community members, advocates, and local policymakers working on healthy eating policy must be ready to address preemption efforts in their states.

Fortunately, there are resources to help prepare local advocates to preempt preemption:

- The Campaign to Defend Local Solutions is "a non-partisan, grassroots coalition of local mayors, commissioners, community leaders, and people like you. And we're defending your right to have local solutions to local problems." The Campaign has toolkits, policy briefs, and tracks pending state preemption bills.
- Grassroots Change "empowers grassroots leaders to successfully build and sustain movements that improve health and safety at the community, state, and national levels" and has several resources focused on countering preemption efforts. It also identifies state preemption laws in several issue areas, including nutrition-related policy.
- The Public Health Law Center maintains a [webpage](#) with resources about preemption, including this [checklist](#) for advocates. The Center also has a fact sheet that examines the possible impacts of a 2016 Kansas law that attempts to preempt many local food policy efforts, and which is modeled after laws passed in Ohio and Mississippi.

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# Example Search: “grocery”

- A search for the keyword “grocery” yields policies related to themes such as:
  - Incentives
  - Staple foods
  - Mobile grocery
  - Tax credits

# POLICY DATABASE

[Return](#)

Found 13 policies using selected filters:

[Clear All Filters](#)

## Keywords

grocery x Enter tab separated ke

## State

All States

## Jurisdiction Type

City ☐ No  
County ☐ No  
Town/Township ☐ No  
Other ☐ No

## Population Size

All Population Sizes

## Food System Categories

Grow ☐ No  
Process ☐ No  
Distribute ☐ No  
Get ☐ No  
Make ☐ No  
Surplus/Waste ☐ No

## Refers to a Priority Population

Select ☐ No

### Arvin, Cal., Code § 17.43.050 (current through May 25,...)

This section provides design guidelines for two target areas within the city, including one where healthy food access is mentioned as a possible priority. The target areas are both included in a mixed...

[View Details](#)

### Chelsea, Mass., Code, pt. III, art. I, ch. 1, art. 1 (c...

This law prohibits the storage, preparation, distribution, hold for service, or serving any food or beverage containing artificial trans fat in the City of Chelsea. The regulation does not include the...

[View Details](#)

### Food, Environmental, and Economic Development in the

This uncodified law created a program to support and encourage grocery stores and other healthy food retail outlets. It includes incentives and assistance for developing or improving grocery stores a...

[View Details](#)

### Fuquay-Varina, North Carolina, Code § 9-1255(b)(10) (c...

Provides use standards for urban agricultural uses. Allows for backyard, private gardens; but community gardens must be operated by at least three families or a homeowners' association. On-site sales...

[View Details](#)

# Applying Filters

- The database search functionality allows for various filters:
  - State
  - Jurisdiction type (county, city, town, township)
  - Population size
  - Food system category (grow, process, distribute, get, make, surplus waste)
  - Priority population?

# Priority Population Filter

- This filter identifies laws that specifically addresses socially disadvantaged or marginalized groups, based on the language of the law or based on other objective factors or key themes, such as:
  - Children
  - Immigrants
  - SNAP/EBT
  - Shelter residents
  - Culturally appropriate foods
  - Etc.

# Example Search:

## “tax” + priority population filter

[Return](#)
Found 18 policies using selected filters:
[Clear All Filters](#)

**Keywords**
 Enter tab separated keywor

**State**

All States

**Jurisdiction Type**

City

County

Town/Township

Other

☐ No
 ☐ No
 ☐ No
 ☐ No

**Population Size**

All Population Sizes

**Food System Categories**

Grow

Process

Distribute

Get

Make

Surplus/Waste

☐ No
 ☐ No
 ☐ No
 ☐ No
 ☐ No
 ☐ No

**Refers to a Priority Population**

Select

Yes

Cancel

Filter

**Boulder, Colo. Code Tit. 3, Chapter 16 (current through...**

Establishes an excise tax of \$0.02 per fluid ounce on distributors of sugar-sweetened beverages. Revenues must be used to cover the costs for administering the tax. Any extra revenue is to be used to ...

View Details

**City of Camden, N.J., Ordinance MC-4803 (adopted Dec. 1...**

This law creates an exemption from taxes for improvements made to real property as part of the state's economic opportunity act of 2013, which incentivizes things such as bringing of fresh produce l...

View Details

**Conyers, Ga., Code 8-7-41(I) (current through Oct. 24, ...**

Allows urban farms in the Downtown District, as a matter of right in certain subareas. Establishes permitted activities at urban farms, including allowing of on-site food donation. Exempts urban farms...

View Details

**Dacono, Colo., Code §§ 4-12(b)(21), (22) (current thr...**

These provisions exempt from sales tax certain purchases of food or meals purchased with federal food stamps or with funds provided by the special supplemental food program for women, infants and chil...

View Details

**Food, Environmental, and**

**Kansas City, Missouri, Code, §**

# Search Record Information

- Hyperlink to the law
- Summary of the law
- Legal strategies
  - Funding, incentivizing, requiring, enabling, prohibiting, educating/promoting, exempting/deregulating
- Reach
  - Limited scope vs. community wide
- Linkages
  - Priority population, health, economy, environment
- Drafting components
  - Findings, purpose, definitions, implementation, enforcement, evaluation mechanisms, funding
- Ordinance/legislative history

Return District of Columbia, Code Sections 47-3801 to 3805 (current through Oct. 27, 2017) [View Law](#)

**Brief Summary**

The law creates 10-year tax and licensing fee exemptions for restaurants, retail stores, and supermarkets located in specific "priority development areas" of D.C. The exemptions include exemption from real property tax, personal property tax, and exemptions from sales and use tax on building materials related to the development of a restaurant, store, or supermarket in a designated area.

**Legal Strategies**

Creates an incentive for a change.  
Creates an exemption.

**Reach**

Limited scope. This law has a voluntary component and provides a tax break/licensing exemption.

Food System Category:	State:	Jurisdiction Type:	Jurisdiction Name:
Districts, Get	District of Columbia	Other	District of Columbia

**Does the law refer to priority populations in some way?**

Unclear. "Law defines 'eligible area' to include historically underutilized business zone and specific census tracts. (Sec. 47-3801 (1)(C). According to 'Effects of Amendments' section in online codified version, previous version of law included a definition for 'underserved areas.'"

**Does the law refer to or suggest a goal related to improving or protecting health?**

Unclear. Definition of supermarket states: "Offers for sale a full line of meat, seafood, fruits, vegetables, dairy products, dry groceries..." (Sec. 47-3801.2 (A)(1)).

**Does the law refer to or suggest a goal of fostering improved environmental conditions?**

No.

**Does the law refer to or suggest a goal related to promoting or supporting the community's economy?**

No.

**Does the law include findings (including jurisdiction-specific findings), or are there findings in the larger section, title, article, or chapter which the law is part of?**

No.

**Does the law have a stated intent or purpose, or is there an intent or purpose in the larger section, title, article, or chapter which the law is part of?**

No.

**Does the law include definitions, or are there definitions in the section, title, article, or chapter which the law is part of?**

Yes. § 47-3801.

**Does the law address implementation in some way?**

Yes. Authorizes and requires Mayor to issue rules to implement, including creating application form. (Sec. 47-3802 (c)(1)-(4), and Sec. 47-3802). Includes criteria for what Mayor's certification of qualification must include (Sec. 47-3802 (c)(2)), and requires Office of Tax and Revenue to review requests within 10 days (Sec. 47-3802(c)(4)).

**Are there enforcement provisions that identify specific penalties or consequences for non-compliance?**

No.

**Does the law include an evaluation component, beyond reporting on activity?**

No.

**Does the law require an extra or atypical financial or resource investment?**

No.

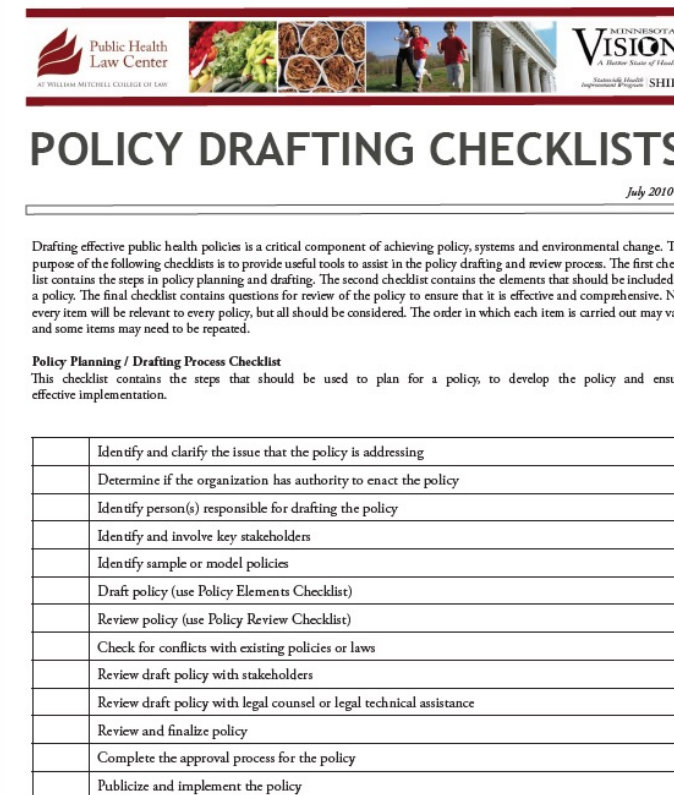
**Code context and ordinance history**

"Title 47, Taxation, Licensing, Permits, Assessments, and Fees Chapter 38, Supermarket Tax Incentives. History: Sept. 29, 1998, D.C. Law 7-172, § 2, 35 DCR 5739; enacted Apr. 9, 1997, D.C. Law 11-254, § 2, 66 DCR 1575; October 4, 2000, D.C. Law 12-166, § 2(a), 47 DCR 2821; Mar. 26, 2008, D.C. Law 17-124, § 702(a)(1), 55 DCR 1669; Apr. 9, 2011, D.C. Law 18-285, § 205(a), 55 DCR 745; Sept. 26, 2012, D.C. Law 19-171, § 114(a), 59 DCR 6192; Feb. 18, 2017, D.C. Law 21-204, § 2, 62 DCR 15021."

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# Moving Forward with Policy Development

- Steps:
  - Identify policy champion(s)
  - Policy drafting
  - Review and refine language with city/county attorneys
  - Ongoing community engagement
- Other resources:
  - [www.racialequityalliance.org](http://www.racialequityalliance.org)
  - [publichealthlawcenter.org](http://publichealthlawcenter.org)



875 SUMMIT AVENUE | SAINT PAUL, MN | 55105-3076 | [WWW.PUBLICHEALTHLAWCENTER.ORG](http://WWW.PUBLICHEALTHLAWCENTER.ORG) | 651.290.7506

# Database Methodology and Implications for Research

- Identified laws through the Growing Food Connections policy database, search strings applied to municipal legal code libraries, and web searches.
- Scoring Rubric—60 indicators covering:
  - Background/Legal Context
  - Intensity (reach, scope, duration)
  - Vision (intent, purpose, key definitions)
  - Priority Populations
  - Linkages (health, local economy, environmental)
  - Implementation/Enforcement
  - Evaluation/Performance Measures
  - Food System Stage
- Each law was scored at least 3 times
  - Two-person coding teams met to reach sufficient inter-coder reliability
  - One or more person(s) tasked with reconciliation and quality control



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