



The Healthy Food Policy Project's Emerging COVID-19 Local Government Food Access Policy Index

Thursday, April 16, 2019



Public Health Law Center







- Our mission: *Improving health through the power of law.*
- Our services include helping partners shape local, state, and national health policies; and creating resources that help others understand opportunities to improve community health.




HEALTHY FOOD POLICY PROJECT

www.healthyfoodpolicyproject.org

Legal technical assistance

-  Legal Research
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby

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**.

POLICY DATABASE

Return

Found 331 policies using selected filters:

Clear All Filters

Keywords
Enter tab separated keywords

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

Clear Filter

Abingdon, Va., Code § 18-132 (current through April 21...)

This provision exempts people selling fresh farm products (among other exemptions) from a requirement that mobile peddlers, vendors, and canvassers obtain a permit to operate within the town.

[View Details](#)

Alachua County, Fla., Code of Ordinances § 407.41 (cur...

This policy sets out design objectives for landscaping and planting plans that include environmental measures and promoting local food systems through the use of edible landscaping where appropriate.

[View Details](#)

Alachua, Fla., Code § 2-152 (6) (current through Nov. ...)

Establishes that city employees must be allowed unpaid work breaks for expressing breast milk for up to one year after the child's birth, with other accommodations, including use of private office space.

[View Details](#)

Alameda, California, Code § 30-4.24 (c)(2) (current t...

Definition of Main Street Neighborhood (MS) sub district of Alameda Point that incorporates urban agriculture, including urban farms and community gardens.

[View Details](#)

Albanv County, N.Y., Res. No.

Albanv, N.Y., Code § 34-2

MUNICIPAL COVID-19 FOOD ACCESS POLICIES

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[SORTABLE COVID-19 FOOD ACCESS MUNICIPAL POLICY INDEX](#)

LOCAL GOVERNMENT POLICIES TO SUPPORT FOOD ACCESS DURING THE COVID-19 PANDEMIC – AN INDEX

This index includes *formal municipal policies** that accelerate, prioritize or facilitate food access during the COVID-19 pandemic and other emergency periods through measures that:

- a) exceed ordinary non-emergency-time policies; and/or
- b) specifically prioritize health and/or equity considerations.

School district policies and other special board policies are not included. Policies that merely define food establishments, such as restaurants and grocery stores, as essential businesses or otherwise allow them to operate with or without modifications amid other business closures are also excluded unless they emphasize services for priority populations or access to fresh foods.

**Written laws, regulations, executive orders and organizational policies that have been formally adopted or passed by a government entity (including ordinances, resolutions, codified laws, and administrative policies).*

To access a sortable version of the index, please click the [green](#) sortable index button below, or on the top right corner of this page. If you know of a policy that we don't have yet, please click the [blue](#) suggest a policy button below.

Policy Type	State	Jurisdiction	Policy	Link to Policy Document	Description
Closure and Restricted Operation Exemptions for Food Service Establishments Serving Priority Populations	Arizona	Tolleson	Proclamation of the Mayor of the City of Tolleson Declaring a Local Emergency to Address Covid-19, § 4 (Mar. 17, 2020)	https://www.tollesonaz.org/CivicAlerts.aspx?MLID=269	This section exempts food banks and food pantries from mandatory closures and operating restrictions imposed by the proclamation.
Closure and Restricted Operation Exemptions for Food Service Establishments Serving Priority Populations	California	Berkeley	Order of City Health Officer, §§ 10(f)(1)(i),(iv),(xii) (Mar. 16, 2020)	https://www.cityofberkeley.info/files/docFiles/Health_Human_Services/Order_3_-_Public_Health%20City_of_Berkeley-Health-Officer-Order-to-shelter-in-place.pdf	These provisions carve out exemptions to the City's cessation of business order for certain "essential businesses" including e.g., food banks; businesses that offer food and "other necessities of life" for "economically disadvantaged or otherwise needy individuals;" and schools that typically offer food service (provided they do so a pick-up and take-away basis only).
Closure and Restricted Operation Exemptions for Food Service Establishments Serving Priority Populations	California	Los Angeles	Los Angeles, Cal., Public Order Under City of Los Angeles Emergency Authority (Mar. 15, 2020)	https://www.lamayor.org/sites/g/files/wph445tarc/files/Mayor%20Garcia%20Emergency%20Order%20-%20March%2015%202020.pdf	Item 4 of the order exempts specific establishment types including cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities; and food banks from general order prohibiting restaurants and retail food facilities from serving food for

Preemption

What is preemption?

- Preemption occurs when a 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?

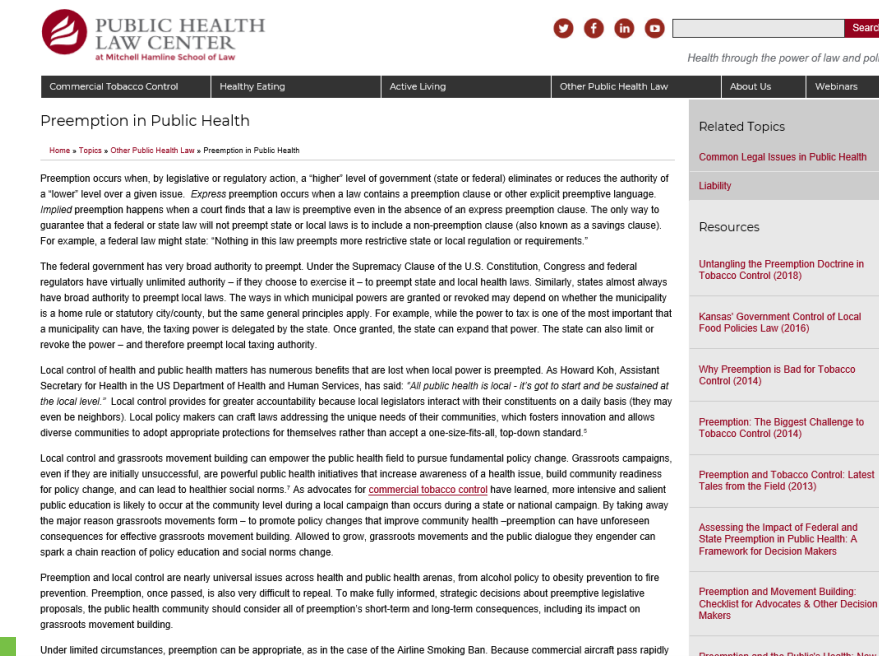
- A preemptive state or federal law can invalidate local healthy eating policies.
- Once enacted, preemptive laws are traditionally difficult to repeal, and can affect the legal and advocacy landscape for years to come.

Preemption during COVID-19

- As always, preemption remains a challenge to local control during the COVID-19 pandemic.

Resources?

- The Public Health Law Center maintains a webpage with resources about preemption:
 - <https://www.publichealthlawcenter.org/topics/other-public-health-law/preemption-public-health>



The screenshot shows the Public Health Law Center website. The header includes the organization's name, logo, and social media links. A navigation bar lists various topics: Commercial Tobacco Control, Healthy Eating, Active Living, Other Public Health Law, About Us, and Webinars. The main content area is titled 'Preemption in Public Health' and includes a breadcrumb trail: Home » Topics » Other Public Health Law » Preemption in Public Health. The text explains that preemption occurs when a higher level of government eliminates or reduces the authority of a lower level over a given issue. It distinguishes between express preemption (explicit language in a law) and implied preemption (inferred from the structure of a law). The page also discusses the federal government's broad authority to preempt under the Supremacy Clause and the importance of local control in public health. A sidebar on the right lists related topics, liability, and resources, including links to 'Untangling the Preemption Doctrine in Tobacco Control (2018)', 'Kansas' Government Control of Local Food Policies Law (2016)', 'Why Preemption is Bad for Tobacco Control (2014)', 'Preemption: The Biggest Challenge to Tobacco Control (2014)', 'Preemption and Tobacco Control: Latest Tales from the Field (2013)', 'Assessing the Impact of Federal and State Preemption in Public Health: A Framework for Decision Makers', and 'Preemption and Movement Building: Checklist for Advocates & Other Decision Makers'.



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