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.
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**.
MUNICIPAL COVID-19 FOOD ACCESS POLICIES

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.

*It should be noted that the policies herein are not intended to endorse or prescribe actions and information should be shared with local officials.

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.

<table>
<thead>
<tr>
<th>Policy Title</th>
<th>State</th>
<th>Jurisdiction</th>
<th>Policy</th>
<th>URL to Policy Document</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closure and Restricted Operations for Food Service Establishments Serving Priority Populations</td>
<td>Arizona</td>
<td>Tucson</td>
<td>Proclamation of the Mayor of Tucson of Special Emergence to Address COVID-19, Mar. 17, 2020</td>
<td><a href="http://www.tucsonaz.gov/health/COVID-19">URL</a></td>
<td>This policy suspends food banks and food banks from operating on weekends and expanding services beyond the proclamation.</td>
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<tr>
<td>Closure and Restricted Operations for Food Service Establishments Serving Priority Populations</td>
<td>California</td>
<td>Berkeley</td>
<td>Order of City-County Health Officer No. 120 re: COVID-19 (Mar. 16, 2020)</td>
<td><a href="http://www.hc.berkeley.ca.us/covid19/">URL</a></td>
<td>These provisions are intended to prevent the spread of COVID-19, to protect vulnerable individuals, and to ensure that essential businesses can continue to operate safely.</td>
</tr>
</tbody>
</table>
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
WWW.HEALTHYFOODPOLICYPROJECT.ORG

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