

nplan

NATIONAL POLICY & LEGAL ANALYSIS NETWORK  
TO PREVENT CHILDHOOD OBESITY

# Licensing Laws: A Strong Tool for Healthy Food

*Co-Sponsored by the Community Food Security Coalition*



**Hannah Burton Laurison, MA**

Public Health Law & Policy

# Public Health Law & Policy

We partner with state and local leaders to improve health in all communities, especially the underserved.

We do this by researching legal and policy questions, drafting policy language, and training community leaders to put these ideas to work.



# healthy corner stores network

community food security coalition • public health law & policy • the food trust • urbane development



- webinars
- list serv
- technical assistance referrals
- networking

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



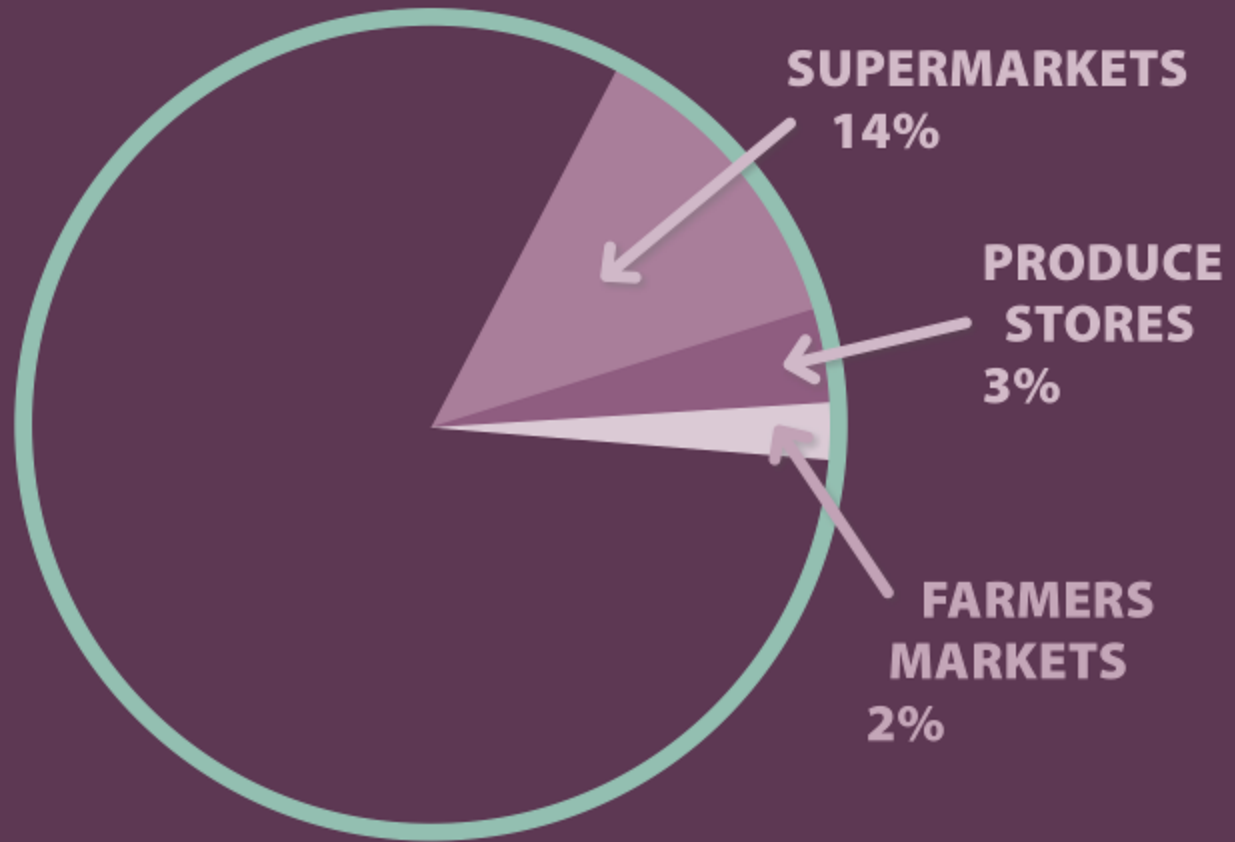
# Agenda

- Barriers to healthy food retail
- Licensing to create healthy retail environments
- Minneapolis, MN: Lessons learned
- Buffalo, NY: Ingredients for success

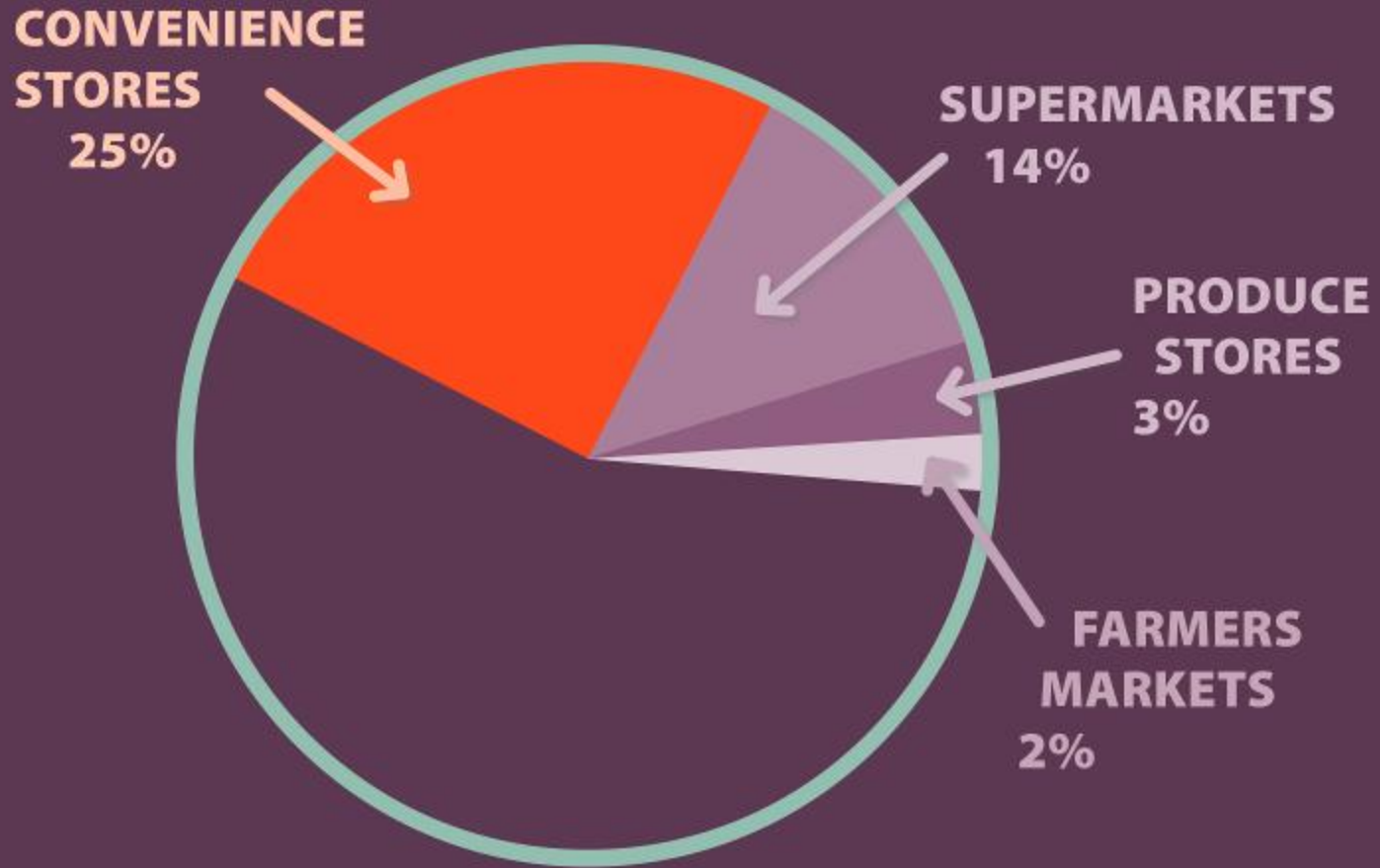


**POLL:** WHAT DOES  
YOUR FOOD RETAIL  
ENVIRONMENT LOOK  
LIKE?

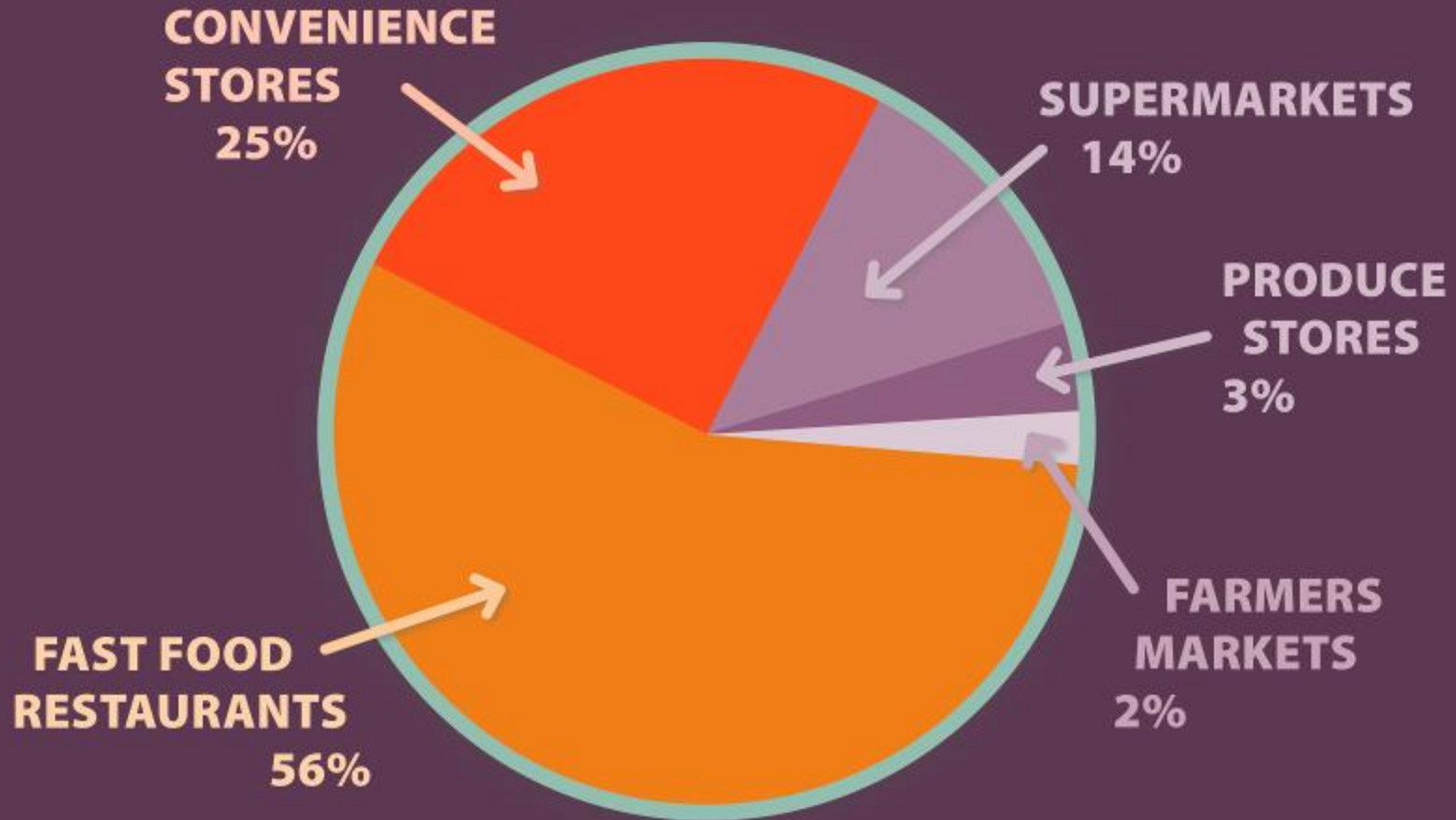
# Food Retail Environment



# Food Retail Environment



# Food Retail Environment





**POLL:** DO CORNER STORES IN YOUR COMMUNITY CARRY HEALTHY OPTIONS?





# Improve produce quality

Photo: Lydia Daniller for PHLP





# Limit junk food

Photo: Lydia Daniller





**Replace junk food with healthy choices**



# Decrease advertising of unhealthy choices

Photo: Counter Tobacco







# Identify healthy choices

Photo: Tim Wagner for HEAC



**ROONEY'S LIQUOR**  
SINCE 1963

**GROCERIES  
SPORTING  
GOODS  
LOTTO**

*Coors*  
**Coors  
Light**  
**18 PK CANS**  
**\$11.99**  
-TAX/CRF

Photo: Lydia Daniller



**Ian McLaughlin, JD**

Public Health Law & Policy





public health law & policy

# Licensing to Create Healthy Retail Environments

*Ian McLaughlin, JD*

March 13, 2012



# Personal Licenses



# Personal Licenses



**CALIFORNIA** USA  
**DRIVER LICENSE**

083193 DL **11234563**  
EXP **08/31/2014**  
DOB **08/31/1993**  
AGE 21 IN 2014  
PROVISIONAL UNTIL AGE 18 IN 2011  
CLASS **C**  
END **NONE**  
RSTR **NONE**

L-1 SAMPLE  
Suzy Q Sample DONOR 08311993

LN SAMPLE  
FN SUZY Q.  
2570 24TH STREET  
SACRAMENTO, CA 95818  
SEX F  
HAIR BRN EYES BLU  
HGT 5'-05" WGT 125 lb

ISS 08/31/2009  
DD 00/00/0000NNAN/AN000000

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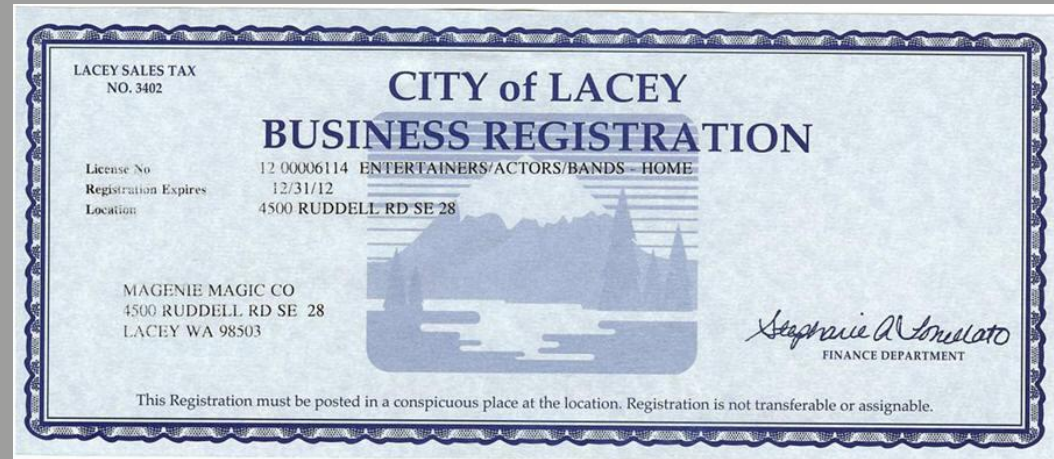
# business licensing: the basics

WHO can do business

WHERE can they locate

WHAT conditions must be met

HOW conditions will be enforced



# Specific Business Licenses





# why adopt a **license program?**

- ✓ **Effective way to create change**
- ✓ **Local control over conditions of operation**
- ✓ **Can apply to new *and* existing businesses**

## Model Licensing Ordinance for Healthy Food Retailers

### AN ORDINANCE OF THE [ CITY / COUNTY ] OF [ \_\_\_\_ ] REQUIRING THE LICENSURE OF FOOD RETAILERS AND AMENDING THE [ \_\_\_\_ ] MUNICIPAL CODE

The [ City Council of the City / Board of Supervisors of the County ] of [ \_\_\_\_ ] does ordain as follows:

**COMMENT:** This is introductory boilerplate language that should be adapted to the conventional form used in the jurisdiction.

#### SECTION I. See APPENDIX A: Findings.

**COMMENT:** A draft ordinance based on this model legislation should include "findings" of fact that support the purposes of the legislation. The findings section is part of the ordinance and legislative record, but it usually does not become codified in the municipal code. The findings contain factual information supporting the need for the law – in this case, documenting the lack of access to healthy foods in many communities, and the health effects of a diet lacking in fresh and healthy foods. A list of findings supporting this model legislation appears in "Appendix A: Findings." Communities may select findings from that list to insert here, along with additional findings addressing the specific conditions in the particular community

**SECTION II.** The [ \_\_\_\_ ] Municipal Code is hereby amended to add a new chapter [XX] to read as follows:

**Sec. [XX.010]. DEFINITIONS.** The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section:

(--) "Dairy Products" means animal and plant-derived milks, yogurts, and cheeses, including lactose free/reduced products, that are low-fat or nonfat. Notwithstanding the foregoing, "Dairy products" includes whole milk, and does not include Sugar-Sweetened Beverages.

# what can a license require?

WE ACCEPT  
FOOD STAMP  
BENEFITS.

## Mooooove to 1% Milk

Your Heart and Your Waistline  
Will Thank You



### 1% Milk Tastes Good

- In taste tests, 9 out of 10 people like 1% milk.
- Most people cannot tell the difference from whole milk.

### 1% Milk is Better for You

- 1% milk has all the nutrition of whole milk — *without* the extra fat and calories.
- After age 2, 1% or less is best.

**NYC**  
Health

The New York City Department of Health  
To order, call 311. Ke



# Other uses of licensing

- ✓ Provide **incentives** for meeting enhanced performance standards
- ✓ **Restrict** certain behavior
- ✓ **Enforce** all applicable laws

# REQUIREMENTS

## Model Healthy Food Retail Ordinance

- Staple foods: Dairy products, proteins, and whole grains
- Produce
- Participation in SNAP and WIC
- Limitations on SSBs
- Compliance with tobacco, alcohol, and signage laws

# PERFORMANCE STANDARDS

## Model Healthy Food Retail Ordinance

- Exceed stocking requirements for produce or staple foods by a certain percentage
- Limit or eliminate sale of SSBs, alcohol, or tobacco
- Move produce and staple foods to high-visibility location
- Other?

# INCENTIVES

## Model Healthy Food Retail Ordinance

- Expedited processing of license or permits
- Reduced or waived fees
- Technical or financial assistance
- Grants or loans
- Tax exemption or other tax incentive
- Marketing and promotion



# who should be licensed?



# who should be licensed?





# Collaboration with retailers

## *Examples:*

- Conduct assessments
- Develop outreach materials
- Offer compliance support/TA



# implementation & enforcement

Who will:

Issue licenses and collect fees?

Engage retailers?

Conduct inspections?

Enforce penalties?

What penalties?





**Aliyah Ali**

Minneapolis Department of Health and Family Support



# Minneapolis Staple Foods Ordinance

- (c) All grocery stores licensed under this chapter must offer...at least 3 varieties of qualifying, non-expired or spoiled, food in each of the following 4 staple food groups, with at least 5 varieties of perishable food in the first category and at least 2 varieties of perishable food in all subsequent categories:
- (1) Vegetables and/or fruits.
  - (2) Meat, poultry, fish and/or vegetable proteins.
  - (3) Bread and/or cereal.
  - (4) Dairy products and/or substitutes



Photo by Monica Salas Landa



CHECK, CASHING  
MONEY, ORDER  
LOTTERY, ATM, WIC  
WE ACCEPT FOOD STAMP

**3RD STREET**  
**GROCERIES**  
COFFEE • PASTRIES • SNACKS  
CANDIES • ICE CREAM • SODAS



4646



WE DRINK AND WE DRIVE  
OUTSIDE THE STORE, THESE  
PERSONS ARE BEING MONITORED  
BY THE SAN FRANCISCO POLICE  
DEPARTMENT TO ASSURE  
COMPLIANCE WITH THIS ORDER.  
A VIOLATION OF THIS ORDER  
COULD SUBJECT YOU AND THE  
DEVIANTS OF THIS LOCATION  
TO CRIMINAL AND/OR CIVIL  
PENALTIES.

NO LOITERING  
ALLOWED  
IN FRONT  
PREMISES  
SECTION CODE





# Minneapolis Owner Interview



## Minneapolis Healthy Corner Store Program Owner interview\*

Store Name: \_\_\_\_\_ Address: \_\_\_\_\_

### Background Questions

1a. Are you a resident of the community in which your store is located?

Yes / No

↳ 1b. How long have you lived in this neighborhood?

2. How long have you owned this store?

- 0-2 years
- 3-5 years
- 6-10 years
- 10+ years

3a. Do you own other stores in Minneapolis?

Yes / No

↳ 3b. Where?

4. How many employees do you have (not including yourself)?

5. What is your typical weekly work schedule?

6a. Does your store currently advertise?

Yes / No

↳ 6b. Where and how often?


### Product Offerings and Inventory System

7. Who orders the products for your store?

8. How do you make your product selections?

9. How do you track your inventory?

# Visual assessment tool



**Minneapolis Healthy Corner Store Program  
Visual Assessment\***

Store Name: \_\_\_\_\_ Address: \_\_\_\_\_

1. Main Phone Number posted?  Y  N \_\_\_\_\_
2. Hours of Operations posted?  Y  N \_\_\_\_\_
3. What is the square footage of the entire store? \_\_\_\_\_
4. What is the square footage of the retail space? \_\_\_\_\_
5. Photos taken of store interior and exterior?  Y  N
6. Please draw the store layout (indicate aisles, entrance, register and refrigeration). If there fresh produce is sold, show location.

1











Photo: Minnesota Public Radio





Photo: Minnesota Public Radio

# TAILORING the model ordinance

- ✓ Know your state and local laws
- ✓ Consider what food stocking requirements should be included
- ✓ Identify and engage implementation and outreach partners
- ✓ Offer assistance – and incentives - to businesses to comply with new requirements







**Jessie Gouck**



**Michael Ball**

**Buffalo Healthy Kids Healthy Communities**  
Buffalo Niagara Medical Campus

Healthy Kids, Healthy Communities-Buffalo Partnership

# Buffalo's Food System

An assessment of current municipal,  
county, and state policies that regulate  
Buffalo's food system







Photo: HKHC Buffalo Partnership





Photo: HKHC Buffalo Partnership



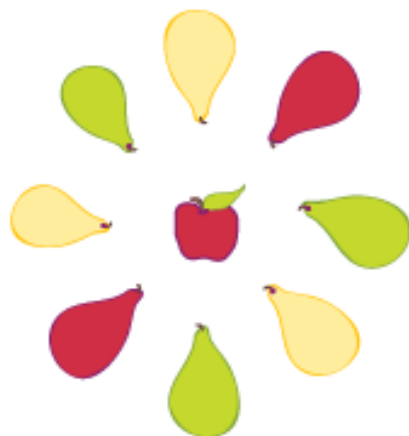


# Buffalo Food Policy Summit Research Roundtable

Rebuilding Community Food Systems:  
Opportunities for Multidisciplinary Research

Wednesday, September 21, 2011 - 2:30 to 4:00 pm

*Harriman Hall - UB South Campus*



Food nourishes us, flavors our rituals, enhances our experience and memory of place, and marks our identities. The system, through which food is produced, processed, distributed, and ultimately disposed in the United States, faces significant challenges. This Research Roundtable investigates the consequences of a broken food system and proposes strategies for building healthy food systems in the future. This Roundtable will feature research and scholarship on the food system from multiple disciplines.

Open to the public. RVSP (required) to Laura Mangan at [CeppRsvp@buffalo.edu](mailto:CeppRsvp@buffalo.edu)

*This event is free. Refreshments will be served.*

## Speakers include:

### Introduction

Dr. Samina Raja, UB School of Architecture and Planning

### Roundtable Speakers

Prof. Michael Conard, Urban Design Lab, Columbia University

Dr. Leonard Epstein, UB School of Medicine and Behavioral Sciences & UB School of Health and Health Professions

Dr. Sara Metcalf, UB Department of Geography

Dr. Sarah Robert, UB Graduate School of Education

Funded by the Community Foundation for Greater Buffalo with support from UB's Civic Engagement and Public Policy Research Initiative. For a full list of event partners visit the Summit website. Contact: [jhersher@bnmc.org](mailto:jhersher@bnmc.org)

<http://buffalofoodpolicysummit.blogspot.com>



A healthy food system is essential to promote the well-being of residents and the economic vitality of a region. A healthy and just food system ensures access to nutritious, affordable, and culturally appropriate food. A thriving food system is also a key source of jobs and income in a community. This Summit will highlight the important role of the local food system in promoting economic development and health in Buffalo, New York.

AN UB INAUGURATION WEEK EVENT







Photo: Buffalo Rising





Massachusetts Avenue  
Project  
271 Grant Street  
Buffalo, NY 14213  
13.72 miles away

Photo: HKHC Buffalo Partnership





Photo: HKHC Buffalo Partnership





Photo: HKHC Buffalo Partnership





Photo: HKHC Buffalo Partnership





Photo: HKHC Buffalo Partnership



# LORIGO'S MEATING PLACE

**MR** *Lorigo*  
MEATING PLACE BRAND SAUSAGE  
"YOUR LINK TO QUALITY"  
- ITALIAN SAUSAGES  
- FRESH MEATS  
- CUT-TO-ORDER  
- DELI  
885-3623



JOHN MONE

Photo: Buffalo Rising



# MAKING THE ORDINANCE WORK for your community

## Recipe For Success

Ingredients:

1 Teaspoon of Ideas

10 Spoon of Goodwill





# Assess your food retail environment







# Solicit input from diverse stakeholders





**STRONG**



**FLEXIBLE**





Follow through to build support



# WHAT IF your community isn't READY?

- ✓ Conduct a **community food assessment**
- ✓ Pass a **resolution** in support of healthy food retail
- ✓ Create a program that offers **incentives** for store owners to carry healthy food
- ✓ Create a healthy food retailers **certification program**
- ✓ Put together an **interagency task force** to discuss the food retail environment





# Toolkits

## Getting to Grocery

Tools for Attracting Healthy Food Retail  
to Underserved Neighborhoods



phlp public health law & policy  
planning for healthy places

## Green for Greens

Finding Public Funding for Healthy Food Retail



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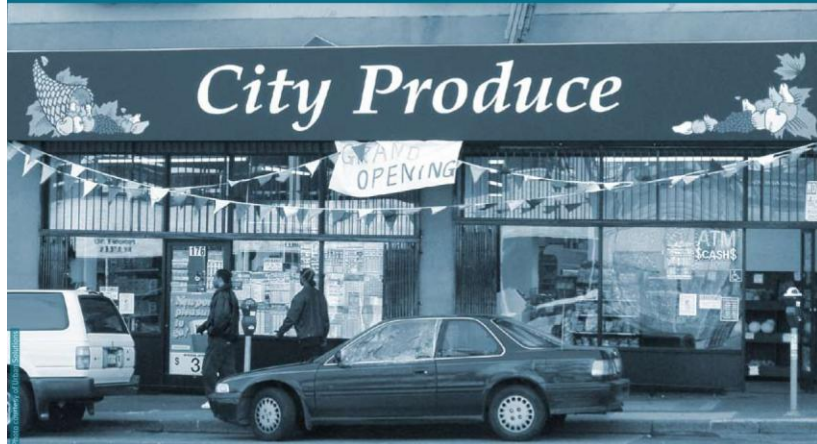
phlp  
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law & policy

# Factsheets

## How to Use Economic Development Resources to Improve Access to Healthy Food

Grocery stores are valuable assets to a community; not only do they make healthy food more accessible, but they also can provide living-wage jobs, raise the value of surrounding property, and anchor and attract additional businesses to the neighborhood.

Public health officials and advocates can partner with economic development and other city agencies to help bring new food retail into low-income neighborhoods. This fact sheet is designed to provide a basic overview of how economic development programs work, highlighting a variety of ways for advocates to influence the process.



# Plus...

Technical Assistance  
Trainings  
Webinars



nplan

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TO PREVENT CHILDHOOD OBESITY

**Thank you!**

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# Disclaimer

*The information provided in this seminar is for informational purposes only, and does not constitute legal advice. Public Health Law & Policy does not enter into attorney-client relationships.*

*The primary purpose of this training is to address legal and/or policy options to improve public health. There is no intent to reflect a view on specific legislation. PHLP incorporates objective non-partisan analysis, study, and research in all our work.*