

Healthy Eating

Healthy Eating Policy Options for Minnesota Local Governments



IN COLLABORATION WITH



Purpose of this resource

Local policy initiatives play a pivotal role in increasing the availability of healthy, affordable food for community members. Diets high in fresh or minimally processed vegetables, fruits, whole grains, and lean proteins help maintain a healthy weight and avoid chronic diseases. But for many people, eating healthier is not as simple as choosing to eat healthier foods. Some neighborhoods do not have grocery stores that sell healthy foods, and sometimes healthy foods are too expensive for people to buy regularly. To eat healthier diets, people need better access to healthy, affordable food.

This resource is designed for local government policy makers, local public health advocates, and food system advocates. It describes a variety of policy options available to local governments to increase healthy eating and the availability of healthy food. It also provides specific examples showing how these policies have been used in Minnesota and other places.

How this resource is organized

Part I summarizes the power and limitations of different types of local governments, the role of policy in healthy eating, and provides basic pointers on the policy development process. Part II describes policy approaches that can be used to create or reinforce a plan or vision for how a community could support access to healthy, affordable food in a systematic way. Then, it explains some of the specific types of policy tools for operationalizing these visions, and provides examples. Part III provides additional examples of how these policy tools are being applied by communities in Minnesota and other places, organized by the Minnesota Food Charter food system categories.

Acknowledgments

This publication was prepared by the Public Health Law Center at Mitchell Hamline School of Law, St. Paul, Minnesota, made possible with funding from the CentraCare Health Foundation. The Center thanks the following for their review of a draft of this resource: Susan Bishop at the Minnesota Department of Health; Jodi Gertken at the CentraCare Health Foundation; Julie Ring at the Association of Minnesota Counties; and staff at the League of Minnesota Cities.

Disclaimer

The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice. Legal research conducted for this resource was current through May 5, 2017.

Last updated May 5, 2017

Table of Contents

PART I: Introduction, Definitions, and Policy Basics	4
A. Local Governments as Agents for Healthy Eating Change	5
B. State Regulation of the Food System	6
C. Policy Glossary	7
D. Laying the Groundwork for Policy Change that Will Make a Difference	8
1. Maintain an Equity Focus	8
2. Think about the Food System	9
3. Plan for Implementation	11
PART II: What Are the Options?	12
A. Policies that Establish Frameworks or Create a Vision for a Food System that Supports Access to Healthy, Affordable Food	12
1. Plans	12
2. Healthy Eating and Active Living Resolutions	15
3. Establishing a Food Policy Council, Commission, or Taskforce	16
B. Policy Tools for Operationalizing Access to Healthy, Affordable Food	18
1. Licenses	18
2. Zoning	19
3. Permits	20
4. Regulation of Structures	20
5. Other types of laws	20
6. Administrative policies and resolutions	20
Part III: Policy Tools in Action across the Food System—Examples	21
A. Growing Food	21
1. Preserving and Protecting Agricultural Resources	21
2. Regulating and Promoting Agricultural Activities within Communities	22
B. Processing Food	23
C. Distributing Food	24
1. The Good Food Access Program	24
2. Government Food Procurement Policies and Systems	24
D. Getting Food	27
1. Promoting Healthy Food Availability in Stores	27
2. Recognizing Additional Kinds of Food Retailers: Mobile Food Carts, Green Carts, Farmers’ Markets, and Seasonal Stands	29
3. Facilitating Gleaning or Foraging on Public Lands	31
E. Making Food	31
F. Eating Food	31
G. Minimizing and/or Disposing of Food-Related Waste	33
Next Steps	35
Additional Resources	36
Appendix—School Districts and School Policies	38

PART I:

Introduction, Definitions, and Policy Basics

Unhealthy diets and lack of physical activity contribute to serious health problems, including the chronic diseases that are the leading causes of death in Minnesota and around the nation (diabetes, cancer, and heart disease). Every level and type of government has a role to play in creating environments that support healthy behaviors and choices, whether they be school districts, park districts, city halls, county boards, the state legislature, federal agencies, or Tribal governments. Local governments are particularly important because public health often starts at the local level.

To support Minnesota community efforts, Feeling Good MN, powered by CentraCare Health, and the Public Health Law Center have created a set of companion guides that describe a variety of local policy options to promote healthy eating and to promote bicycling and walking. The bicycling and walking resource, *Promoting an Active Minnesota: Local Policy Options to Support Walking and Bicycling*, can be found at www.publichealthlawcenter.org and FeelingGoodMN.org.

The policy examples highlighted in this guide show how actual communities are working to address many of the challenges and issues related to healthy eating and healthy food access. They are meant to provide real world examples—not simple answers. Good policies must be tailored for a community, and should intentionally seek to address the needs and priorities of socially disadvantaged groups within the community. Maintaining an equity focus in food policy work is vital to making progress towards health equity for all Minnesotans.



A. Local Governments as Agents for Healthy Eating Change

Local governments are the lead agents for establishing the formal plans and laws that drive the social, economic, and physical environments for their communities. "Local government" often refers to townships/ towns, cities, and counties, but it can also refer to special districts such as soil-and-water-conservation districts, school districts, and park boards.¹ In general, local governments are created by the state and are considered subdivisions of the state, which means that the state legislature can grant and limit local powers. Thus, to understand the scope of local authority in a specific situation, it is important to research whether state law addresses the issue, what it says about what local governments can do (or can't do), and how state law defines "local government" for that specific issue. For example, "municipality" can mean city or town, but may also include counties or school districts.² These definitions vary across state law. A brief overview of some of the most common types of local governments is set out below, and school districts are discussed in the Appendix to this guide.

Towns, Cities, and Counties

Townships, cities, and counties are involved with food access as purchasers, sellers, and providers of food through their departments and facilities, including hospitals, prisons, libraries, parks and recreation facilities, vending machines, and concession stands. Minnesota law also explicitly gives local governments the power to regulate many activities that impact the production and availability of healthy food. Local governments can affect healthy eating and healthy food access through zoning, land use planning, licensing, consumer protection, and food safety inspections and enforcement, as well as through programs.

About 83% of Minnesotans live in a city.³ Minnesota has 853 cities and 1,784 towns or townships (the terms are used interchangeably).⁴ Minnesota cities are divided into four "classes" based on population and include both charter and statutory cities.⁵ Statutory cities are the most common, with home rule charter cities numbering just over a hundred.⁶ The main difference between the two types is that for statutory cities, all local powers are either expressly or impliedly granted by the state legislature, while home rule charter cities "can exercise any powers outlined by their locally adopted charters as long as those powers do not conflict with state laws."⁷ When working with a city, it is helpful to know what kind of administrative organization or plan the city uses—"weak mayor-council," "strong mayor-council," or "council-manager."⁸

Most of the land outside of cities is governed by town boards that have three to five members.⁹ The state also recognizes "urban towns," many of which have powers like those of city governments.¹⁰

County governments also can influence the food environment, and many have been delegated authority by the state to license and inspect food establishments. County boards have five or seven elected commissioners and may use various administrative structures, including county managers, county administrators, and county administrator-auditors.¹¹ Most counties appoint a chief administrative official, who may have different titles and powers as determined by the county board. Ramsey County has a home rule charter and is the only county in the state that has been granted the authority to adopt one by the state legislature.¹²

Park Boards and Park Districts

Statutory cities with populations over 1,000 and charter cities of any size can establish independent park boards.¹³ *Park boards* exist to “establish, improve, ornament, maintain, and manage parks, parkways, and recreational facilities and by ordinance protect and regulate their use.”¹⁴ Park boards also make food purchasing decisions, and may operate or contract for vending machines, food services or concessions on park property.

Park districts “acqui[re], develop[] and maint[ain] . . . large parks, wild life sanctuaries, forest and other reservations, and means for public access to historic sites and to lakes, rivers, and streams and to other natural phenomena.”¹⁵ They are created by approval of the county or counties within which they operate.¹⁶ Park districts generally have the same authority and responsibilities over park district property as other local authorities have over land within their jurisdictions.¹⁷

And more . . .

The [Handbook for Minnesota Cities](#) published by the League of Minnesota Cities provides more information about the different types of local governments and how they are organized.

B. State Regulation of the Food System

Several Minnesota laws affect local government authority to regulate certain parts of the food system. Issues impacted by state law include, but are not limited to:

- building and plumbing requirements¹⁸
- sale of personally grown, unprocessed agricultural products¹⁹
- licensing and inspection of food establishments²⁰
- food safety standards²¹
- sale of products prepared in unlicensed kitchens²² and
- food sampling at farmers’ markets and other local events.²³

The Minnesota Department of Health (MDH) and Minnesota Department of Agriculture (MDA) are the main state agencies in charge of regulating food production and sales on non-Tribal lands. For more information about food safety regulations, please see the Public Health Law Center’s fact sheet on [Government Response to Foodborne Illness in Minnesota](#).²⁴

C. Policy Glossary

A policy is any written plan or course of action designed to influence and determine decisions. What type of policy is “best” to pursue depends on the situation. Below is a table that explains different kinds of policies.

Table: Types of Local Policy Levers

POLICY TYPE	DESCRIPTION
Plans	Plans are a “compilation of policy statements, goals, standards, maps, and action programs” for guiding future activities or development. ²⁵ Although plans do not always create enforceable legal requirements, they are an important tool for driving and shaping legal policy decisions. They may also identify laws and policies that need to be created, reviewed or amended to help implement the plan. Examples include comprehensive plans and food system plans.
Resolutions	Resolutions are used to formally express “the sense, will, or action of a deliberative assembly” such as a city council or county board. ²⁶ They may be used to formally adopt an administrative policy, such as a healthy vending policy.
Ordinances	An ordinance is an authoritative law or decree, at the municipal level, that forbids, authorizes, and/or regulates an activity. ²⁷ Ordinances are typically incorporated into a jurisdiction’s code.
Municipal Codes	A municipal code is the systematic compilation or revision of ordinances, laws, rules, or regulations of a town, city, or other local government unit. ²⁸
Agreements between governments	These are memoranda of understanding; joint powers agreements; joint ventures; service contracts; mutual aid agreements; cooperative agreements; and other types of agreements. These agreements create mutual obligations and benefits between the participating governments.

Other Helpful Definitions

Access: Food is accessible when it is affordable, and community members can readily grow or raise it; find it; obtain it; transport it; prepare it; and eat it.²⁹

Health disparities: Health differences that have a negative impact on socially disadvantaged groups.³⁰

Health equity: The absence of disadvantage in chronic disease-related health outcomes regardless of one’s race or ethnicity; religion; socioeconomic status; sex; age; or mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; and/or any other characteristic associated with discrimination.³¹

Healthy food: Food that is minimally processed; fresh, frozen, or canned produce that has little, if any, added sugar, salt, or fat; food that is culturally relevant; food that meets evidence-based nutrition standards; food that is both nutritious and safe to eat.³²

Socially disadvantaged groups: Groups that are subject to “unfavorable social, economic, or political conditions . . . based on their relative position in social hierarchies.” Socially disadvantaged groups experience a “restricted ability to participate fully in society and enjoy the benefits of progress.”³³

D. Laying the Groundwork for Policy Change that Will Make a Difference

In assessing policy options, a good understanding of the existing and anticipated needs, especially the needs of socially disadvantaged groups in your community, is essential. It is also important to understand how state and federal policy systems and infrastructure shape your community already, how local policy fits within those frameworks, and where the points of opportunity might be in the food system.

1. Maintain an Equity Focus

Understanding the range of priorities and needs across your community is essential to develop and implement policy change to increase availability of healthy, affordable food in a way that will result in meaningful improvements for all. It is likely that the needs and priorities—and the challenges—will be different for different groups, based on factors such as geographic location (urban or rural); race/ethnicity; age; income status; culture; disability; and other factors. For example, some areas may not have easy access to a full scale grocery store that carries a variety of healthy food. Whether it is better to try to build a new store, or work to expand or improve the stock at existing stores, or to develop more transportation options to get people to grocery stores in other areas, will depend on the circumstances. Using an equity-focused toolkit can help you to apply equity principles to inform your policy development process. The Additional Resources section includes examples of these kinds of toolkits.

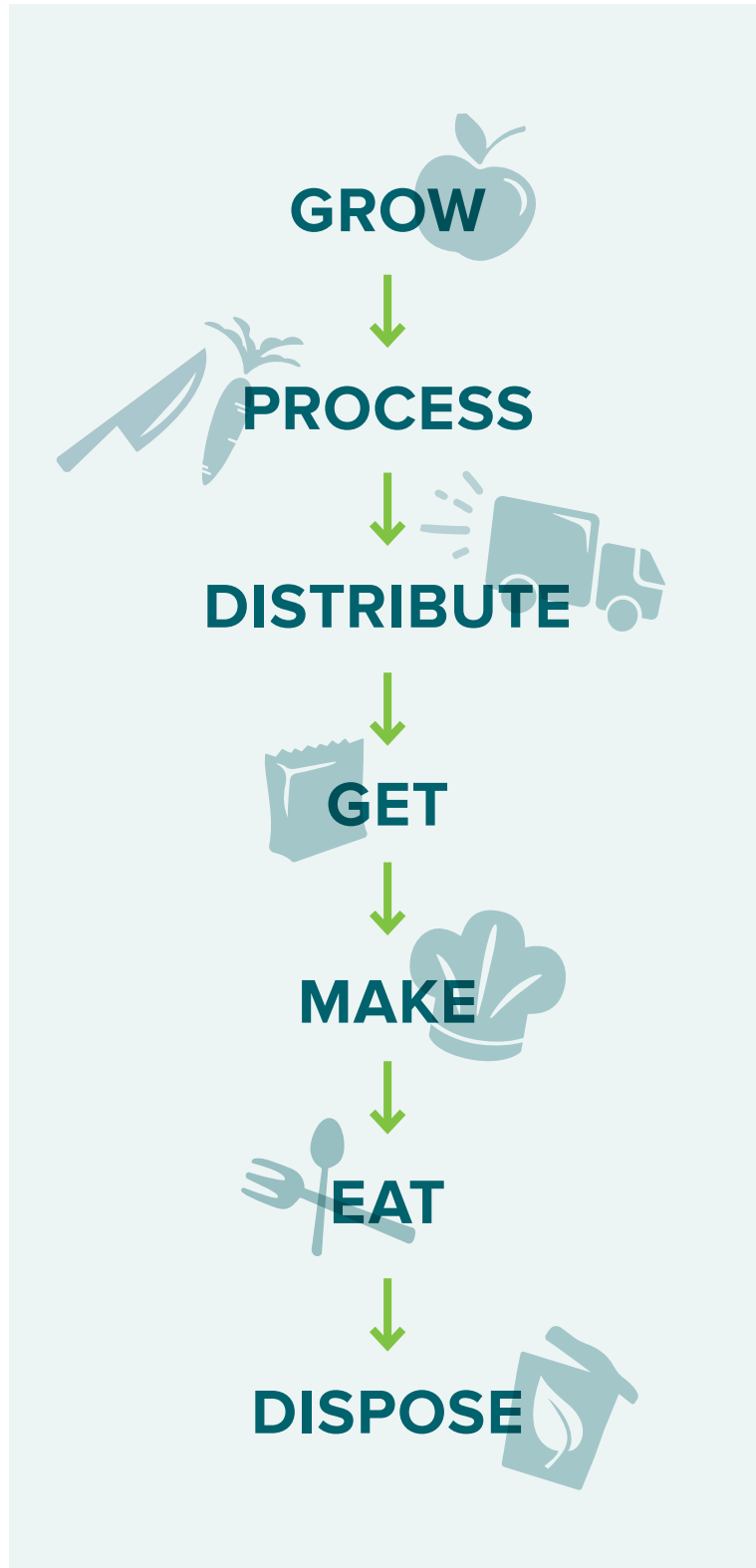
2. Think about the Food System

The [Minnesota Food Charter](#) (see Additional Resources section) provides strategies for policy, systems, and environmental change to increase access to affordable, safe, and healthy food. The Charter breaks the food system into seven components: **(1) grow, (2) process, (3) distribute, (4) get, (5) make, (6) eat, and (7) dispose**. Using a food system framework can help you to focus policy efforts where it makes the most sense from a goals or feasibility view. Here are some key considerations:

- What challenges currently exist for various community members in being able to obtain and eat healthy, culturally relevant foods?
- What points in the food system contribute to these challenges, and how?
- What components of the food system can you impact?
- What facilities and resources are already there that could be modified or strengthened?
- What additional information or data is necessary or would be helpful?
- Who are the decision makers that you need to connect with?
- What objections or obstacles will you have to overcome or navigate?
- Who are all the stakeholders, and how will you engage them?
- What tools are available to help?
- What funding sources could be utilized?



Food System



3. Plan for Implementation

The best policy in the world will not be worth much if it is not implemented effectively. Good implementation starts with the policy development stage, with considering all stakeholder perspectives (including those who will have to implement the policy), and actively cultivating community engagement. You will also need an implementation plan that assigns responsibility for roll out, monitoring, and enforcement, and ideally, allows for an evaluation of some kind to see how things are working.

Successful implementation strategies include, but are not limited to:

- Public involvement, especially for community groups who are most likely to be affected.
- Developing clear, explainable standards for what must be done, what laws might need to be created and/or changed.
- Using fiscal tools, such as funding streams, assessments, and economic incentives to meet the goals.
- Assigning responsibilities to specific departments or offices for defined implementation activities.
- Assigning clear enforcement and monitoring responsibilities and authority.
- Allowing for updates or revisions over time, to address unexpected consequences or accelerate progress.



PART II:

What Are the Options?

This part describes policy approaches that can be used to create or reinforce an overall framework or vision for how a community should be supporting access to healthy, affordable food in a systematic way. Then, it explains some of the specific types of policy tools for operationalizing these visions.

A. Policies that Establish Frameworks or Create a Vision for a Food System that Supports Access to Healthy, Affordable Food

Policy approaches that establish frameworks such as comprehensive plans, healthy eating resolutions, or food policy councils, can lay out a vision for a healthy community and identify areas where laws and policies need to be developed or changed. They also can help build community and leadership support for and buy-in to identified strategies. As with any public policy, there is usually an opportunity for public input and comment.

1. Plans

a. Comprehensive Plans

Public health advocates in many communities are working to make sure that language addressing health, including access to healthy, affordable food, is included in their jurisdictions' comprehensive plans. A comprehensive plan creates a vision for what a community wants to look and be like. It addresses long-term goals and values that the community seeks to prioritize during future public decision-making, including land use, food access, access to free, safe drinking water, and economic development. Once completed, government staff can utilize comprehensive plans to evaluate existing laws and policies and to drive future budget and policy decisions.

Land use planning

describes the way a local government regulates land to manage and develop the areas within its boundaries. Comprehensive plans, community development commissions, and zoning laws are legal tools that can be used for land use planning.

MN Food Access Planning Guide

The Minnesota Food Charter has developed a [Food Access Planning Guide](http://mnfoodcharter.com/planningguide/) to help planners and advocates develop comprehensive plans that promote access to healthy, safe, affordable food for everyone. The guide and toolkit can be found here: <http://mnfoodcharter.com/planningguide/>.

Comprehensive plans are developed by city or county planners, economic development commissioners, and other local government leadership. Municipalities within the seven-county metropolitan area are required to create a comprehensive plan and update it every ten years.³⁴ Municipalities outside of the seven-county metropolitan area are “encouraged” to develop comprehensive plans. Municipal plans also become part of their respective county’s comprehensive plan. Finally, adjoining communities can agree to create a joint planning district and develop one comprehensive plan that covers the entire area.³⁵ If your city or county has a comprehensive plan, it will likely be posted on the city or county’s website.

ST. CLOUD, MINNESOTA

Comprehensive Plan

St. Cloud’s comprehensive plan was updated in 2015. It sets forth a vision of St. Cloud as a health-conscious city seeking to ensure that “residents are able to access health care, are physically active, and have access to safe, affordable, and healthy food.”³⁶ The plan identifies several opportunities related to the food system and healthy food access, including “support[ing] local food production and the emerging local food economy, and consider[ing] local access options to food when determining new development.”³⁷

CITY OF TOWER-BREITUNG TOWNSHIP, MINNESOTA

Joint Comprehensive Plan Update

The City of Tower and Breitung Township produced a joint, updated comprehensive plan in 2015. Their plan describes goals related to preserving and promoting agricultural resources, including working with the 1854 Treaty Authority (which is an Inter-Tribal Natural Resource Management Organization) and other area authorities to protect natural resources at a local lake. The plan also calls for both communities to support locally based food and agricultural resources, by, for example, protecting hunting grounds and building fishing piers, and to “promote and support food access and agricultural assets such as the local grocery store, food shelf, and farmers market.”³⁸

b. Food System Plans

CASS AND CLAY COUNTIES, MINNESOTA AND CITY OF FARGO, ND Metropolitan Food Systems Plan

In October 2013, the Fargo-Moorhead Metropolitan Council of Governments produced the Metropolitan Food Systems Plan. The plan addresses five strategic objectives to improve the local food system: “1) Support the Development of Local Food; 2) Address Issues of Food Access and Environmental Justice; 3) Ensure Public Policy that Recognizes and Supports the Local Food System; 4) Increase Public Awareness Regarding the Benefits of the Local Food System; and 5) Improve Community Health Outcomes.”³⁹ The plan supported the establishment of a Metropolitan Food Systems Council and highlighted residents’ support for local policies that would expand opportunities for community gardens, farmers’ markets, and other forms of community-based agriculture.⁴⁰

c. Sustainability and Agricultural Land Preservation Plans

Sustainability plans can also include language supporting healthy food access.⁴¹ The Minnesota Pollution Control Agency helps to administer a program called GreenStep Cities, which provides a framework for community sustainability plans. GreenStep Cities is a “voluntary challenge, assistance and recognition program to help cities achieve their sustainability and quality-of-life goals.”⁴² The program has 29 best practices, one of which is to “strengthen local food and fiber production and access.”⁴³ The program recommends building local food systems by promoting community gardens, farmers’ markets, and protecting natural resources, among other things.⁴⁴

BURNSVILLE, MINNESOTA Sustainability Guide Plan

Burnsville’s Sustainability Guide Plan identifies “Support[ing] Sustainable Food Systems” as one of its sustainability strategies. The plan suggests that the municipality focus on creating new community gardens; supporting backyard organic gardening and composting; “serving locally grown, organic food at city meetings;” and supporting local agricultural projects.⁴⁵

Under state law, local governments in greater Minnesota have authority to propose an *agricultural land preservation plan* and implementing regulations (typically, zoning and land use laws), to be reviewed by the MDA. State law requires the plan to address specific components.⁴⁶ The Agricultural Land Preservation Program aims to: “(1) preserve and conserve agricultural land, . . . for long-term agricultural use in order to protect the productive natural resources of the state, maintain the farm and farm-related economy of the state, and assure continued production of food and timber and agricultural uses; (2) preserve and conserve soil and water resources; and (3) encourage the orderly development of rural and urban land uses.”⁴⁷ Local governments that participate in the program are eligible for grants and technical support.⁴⁸

2. Healthy Eating and Active Living Resolutions

Local governments can pass resolutions to express a commitment to taking active steps to promote healthy eating and increase access to healthy food.

EAGAN, MINNESOTA

Healthy Eating and Active Living Resolution

This 2012 resolution called upon city staff to “[c]onsider adding supplemental healthy eating goals to complement the active living goals [in the Comprehensive Plan 2030], with regard to disparities in citizens’ access to healthy foods” and “develop and implement a healthy vending machine and concessions policy for all city-owned and city-operated concessions in facilities, programs and parks.”⁴⁹ It also declared City Council support for: “continu[ing] development and sustainability of community gardens and farmers’ markets” (including promoting SNAP/EBT access at licensed farmers’ markets); addressing “public transportation barriers that inhibit community access to full-service grocery stores, supermarkets, corner stores, farmers’ markets and community gardens;” researching how support for breastfeeding could be incorporated in the city’s worksite wellness policy; and creating a policy for healthy food at meetings and city facilities.⁵⁰



Photo Credit: Public Health Law Center

3. Establishing a Food Policy Council, Commission, or Taskforce

Several communities in Minnesota have established a local food policy council (or commission or task force) via resolution or through joint powers agreements. Food policy councils are typically composed of community members and stakeholders, including public health advocates; food producers; representatives from community-based organizations or groups; government; small businesses; schools; healthcare; and other groups. A local government can charge a food policy council with assessing the local food environment and identifying barriers and opportunities to increase access to healthy, affordable food. The recommendations made by the council can then guide policy makers about how to improve the economy, health, and well-being of the community.

MINNEAPOLIS, MINNESOTA

HomeGrown Minneapolis Food Council Resolution

The resolution creating the Homegrown Minneapolis Food Council sets forth the number and types of members, lists the purposes of the Council, and includes an annual reporting requirement. The Council aims to: “[d]evelop innovative policies and strategies to improve the growing, processing, promotion, distribution, consumption and composting of healthy, sustainable, locally grown foods in Minneapolis; advise the Mayor, City Council, and Park Board on food system related opportunities and challenges; ...[a]dvance the food system in directions that are health promoting, environmentally sustainable, local, resilient, inclusive, equitable, fair and transparent; ... [s]upport, participate and provide leadership in development of regional food system work; [and a]ssist with opportunities to celebrate food and its role in strengthening the connections of Minneapolis’ many communities and cultures.”⁵¹

At least four other Minnesota communities have used joint powers agreements to create joint food policy commissions. State law grants Minnesota local governments the power to enter into agreements with each other to carry out projects, programs, and services. Joint powers agreements must comply with specific statutory requirements.⁵² These agreements can result in the creation of a new entity (*a joint powers board*), or can be more like a traditional services contract, where one city contracts with another to offer certain services.⁵³ Joint powers agreements can help create and fund food policy commissions or councils that promote local food systems and healthy food access across a region.

CASS AND CLAY COUNTIES, MINNESOTA

Joint Powers Agreement Creating the Cass-Clay County Food Systems Advisory Commission

The City of Fargo and Clay County approved a joint powers agreement in 2014 to “establish a public entity to advise policy makers and elected officials in the [Fargo-Moorhead] Metropolitan area on how to assure that residents have access to safe, nutritious, and affordable foods.”⁵⁴ The agreement formed the Cass-Clay County Food Systems Advisory Commission. The Commission’s work addresses land use, gardening, zoning, healthy vending, nutrition, federal nutrition program incentives, farm to institution, and cottage food industries, among other things. The Commission also oversees the implementation of the Metropolitan Food Systems Plan (highlighted above).

ST. PAUL/RAMSEY COUNTY

Joint Powers Agreement to Create the Food and Nutrition Commission

In 2010, the City of St. Paul and Ramsey County reconvened the St. Paul-Ramsey County Food and Nutrition Commission, which was originally formed through a joint powers agreement in the early 1990s.⁵⁵ The Commission’s purpose is to “advise the City of Saint Paul and the Ramsey County Board of Commissioners on how to achieve the goal of making the consumption of safe, affordable, and healthful foods a reality for all county and city residents.”⁵⁶ The Commission is responsible for assessing the operation of local food systems, providing planning related policy recommendations, and supporting community wellbeing by addressing topics such as hunger and nutrition, food access and security, farmers’ markets, community gardens, and food-related illness.

B. Policy Tools for Operationalizing Access to Healthy, Affordable Food

Several types of policy tools can be used to implement plans and other frameworks. Policies can create requirements or standards, such as laws relating to licensing, zoning, and business practices. Policies also can create programs and funding streams; administrative policies set requirements for how governments operate as market participants when they buy and sell or serve food to the public and employees.

1. Licenses

Generally, licensing is a regulatory mechanism used by local governments to promote public health, safety and welfare.⁶⁷ Local licensing authority can be based on local government's inherent police powers to protect and promote the public welfare, or may be granted by state law. The League of Minnesota Cities explains, "When a city official proposes local licensing of any activity or occupation, the city must determine whether the state already licenses that activity and, if so, whether the law forbids or allows that local license."⁵⁷ Cities have legislative authority to adopt licensing ordinances that are constitutional, reasonable, and not pre-empted or prohibited by state law.⁵⁸

Licenses

are governmental permissions to an individual or business to conduct a specific type business or occupation (such as to open a restaurant or farmers' market), to use property for a specific purpose, or to do something (such as driving).

As noted above, state licensing requirements apply to a wide range of food and beverage establishments, from restaurants to grocery stores to mobile food trucks to seasonal stands. But which government agency or jurisdiction is responsible for licensing depends on the menu or types of food sold, and also on where the business is located. MDH licenses and inspects food establishments such as restaurants, cafes, and cafeterias;⁵⁹ MDA licenses and inspects other food retailers (e.g., bakeries, grocery stores), manufacturers, and wholesalers.⁶⁰ These agencies have delegated authority to many county or city governments to implement and enforce licensing provisions within their jurisdictions. The League of Minnesota Cities reports that counties are more likely than cities to have this delegated authority (only about 30 out of 853 cities in Minnesota have food licensing and inspection authority delegated to them by MDH).⁶¹ The MDH maintains a webpage with information about food and beverage establishment licensing, including a list of licensing authorities across the state.⁶²

Licensing laws can be used to require food stores to stock a minimum amount of fresh staple foods (see the Minneapolis example in the next section). Localities can promote new types of businesses (such as mobile food trucks) by recognizing them through licensing, and use licensing to create incentive programs for food businesses. Licensing laws can also create barriers to healthy food access if they include burdensome requirements or high fees, or limit the number of retailers in ways that may be unnecessary or unintended.

2. Zoning

In Minnesota, all local governments have authority to create zoning laws.⁶³ Local governments can use zoning as a tool to implement local land use and comprehensive plans. Zoning helps guide development by controlling land uses, ensuring there is adequate space for each use, setting development standards throughout the area, or granting variances (or exceptions) to zoning rules if needed to meet special needs, such as healthy food access.

Zoning changes or additions impacting access to healthy food include: allowing beekeeping, chickens or other small farm animals; allowing use of greenhouses, hoop houses (or other structures that facilitate community based agriculture) in residential or mixed use zones; removing barriers to the creation of community gardens or farmers' markets; limiting fast food restaurants within a specified distance from certain properties; requiring bicycle parking at food shelves and other places; and other measures.

Zoning

is the division of land by legislative regulation into districts ("zones") for different uses, such as for open space, agricultural production, single-family homes, multi-unit housing, business or commercial uses, or other purposes.

a. Variances and Conditional Use Permits

Local governments that have enacted zoning ordinances also use variances and conditional use permits to allow exceptions to general land use policies. In Minnesota, a variance can be used when the use would be a departure from the standard created by ordinance.⁶⁴ In contrast, a local government may grant a conditional use permit only for conditional uses listed in the ordinance, and only if the conditions listed in the ordinance are met.⁶⁵ So, for example, a small-scale home food-processing business could be permitted in a residential zone using a variance or conditional use permit, depending on what the zoning law states.



3. Permits

Local governments use permits to regulate temporary activities or activities that are viewed as requiring case-by-case consideration. Permits often used by local governments include:

1. Building permits allowing for some sort of construction or structural repair;
2. Zoning permits that allow for certain activities, such as farmers' markets, to take place in certain designated zones; and
3. Special permits that can allow for residents to keep certain animals such as chickens, goats, or bees.

4. Regulation of Structures

A wide range of built structures is used throughout the food system, including both permanent and temporary structures, to meet the needs of individuals and businesses involved in growing, processing, distributing, and disposing of food. These structures include, but are not limited to: sheds, hoop houses, greenhouses, fences, processing facilities, farm stands, and composting facilities. State law also must be considered because municipal codes and state law often work together to create a comprehensive legal framework to govern different types of structures used throughout the food system.⁶⁶

5. Other types of laws

In addition to the policy tools described above (licensing, zoning, and permitting), local governments can regulate the food system through other types of laws, such as business trade practices laws that incorporate federal requirements for calorie labeling on menu boards or laws relating to recycling and composting.

6. Administrative policies and resolutions

Local governments can create and implement administrative policies that govern their property and operations. For example, over a dozen cities and a few school districts in Minnesota have adopted policies about pesticide use (and in particular, neonicotinoids) on their property to support pollinators. Local governments also serve and sell food to large numbers of people through programs, cafeterias, vending machines, and government events. As a result, local governments have the potential to promote healthy eating and increase access to healthy food by adopting policies addressing the nutritional quality of the food that they purchase, sell, or otherwise make available (see examples on the following pages).

Part III:

Policy Tools in Action across the Food System—Examples

The next section offers examples of local laws and policies that impact different parts of the food system.

A. Growing Food

1. Preserving and Protecting Agricultural Resources

Local governments hold and regulate a significant amount of property and natural resources necessary for growing food. Local governments can implement policies and provide support to increase access to water and land to encourage gardening and agricultural development within their communities. They can implement measures to protect natural resources such as soil quality, water quality, and pollinators that are crucial for healthy food production. As explained above in Part II, communities in greater Minnesota can develop agricultural land preservation plans and implementing regulations to preserve and protect agricultural land and related natural resources for farm production.

SHOREWOOD, MINNESOTA

Bee-Safe City Resolution

Shorewood was the first city in Minnesota to adopt a resolution restricting use of a pesticide that is particularly harmful to bees and other pollinators called neonicotinoids.⁶⁷ The resolution recognizes the importance of pollinators to healthy foods, including fruits, nuts, and vegetables. The city committed to not using systemic pesticides on its property; to using best efforts to plant pollinator-friendly flowers in the city's public spaces; and “to communicat[ing] to . . . residents the importance of creating and maintaining a pollinator-friendly habitat.”⁶⁸

2. Regulating and Promoting Agricultural Activities within Communities

Local governments use licensing, permitting and zoning authority to regulate small-scale and home-based agricultural activities, such as community and home gardens, and keeping of small farm animals.

The development and maintenance of gardens in local communities can implicate several legal and policy issues. These issues include access to water, ability to compost, land use planning and zoning, liability issues, use of season-extension structures such as greenhouses and hoop houses, and produce use or sales. Local governments can establish policies supporting the use of public and private land for community gardens or school gardens, and provide support with garden maintenance. For example, the St. Cloud Park and Recreation Department gets the city's community gardens ready for planting in the spring, and prepares them for winter in the fall.⁶⁹ Local governments can also optimize their zoning and land use laws to make it easier for residents to grow healthy food in backyard and community gardens, including using season extension structures such as hoop houses or greenhouses, or to compost.

MOORHEAD, MINNESOTA

Zoning for Greenhouses and Rooftop Gardens

The city's zoning code allows "noncommercial greenhouses and conservatories" in residential districts.⁷⁰ It also allows rooftop gardens in mixed-use districts.⁷¹

Local governments also are increasingly allowing for beekeeping and keeping of small farm animals for personal use or sale of animal products such as meat, eggs or honey. Amendments to zoning and animal control ordinances may be necessary or helpful so that residents have the option to keep small farm animals and bees, but in a manner that prevents nuisances to neighbors and conditions that are unsanitary or unsafe.⁷²

FERGUS FALLS, MINNESOTA

Chicken Permits

The city allows residents to keep up to four female chickens with a permit. Up to twenty permits per year can be issued. Chickens must be kept in a coop or run in the backyard that meets minimum setback requirements.⁷³

B. Processing Food



Community kitchens and commercial community kitchens can provide crucial space and facilities to local businesses and community members to process and prepare healthy foods. *Community kitchens* are shared kitchen facilities that can be rented by individuals or groups to process garden or farmers' market produce for their own use, to offer home cooking classes, or to hold family celebrations or other events. Community kitchens may be in schools, churches, community centers, or other facilities. *Commercial community kitchens* are community kitchens that have been approved for use by licensed food businesses to create products that can be sold to the public. Commercial community kitchens provide facilities that new and small business owners can use to process their own food products, run catering companies, operate food trucks, etc.⁷⁴ These kitchens are an emerging phenomenon and present an opportunity for communities to examine how laws may encourage or present challenges to establishment of these types of facilities. For example, local zoning ordinances may restrict these kitchens to only certain zones (such as an industrial zone), and/or may restrict them based on the type of processing that occurs there (whether for wholesale or retail); and may impose other zoning or permitting requirements.⁷⁵

MINNEAPOLIS, MINNESOTA

Licensing and Zoning for Community Kitchens

Minneapolis' code defines "community kitchen" as "an approved facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities."⁷⁶ Commercial community kitchens must apply for a food manufacturer's license from the city; to be in residential zones they must meet additional requirements.

The MDA maintains a list of commercial community kitchens available around the state on its website at <http://www.mda.state.mn.us/food/business/processedfoods/sharedkitchens.aspx>.

NOTE: Reducing sodium in the food supply

Most Americans get too much salt in their diets. Because most of the salt in food is added before it gets to the table, reducing salt requires changes to food processing. Local governments are exploring ways to contribute to salt reduction efforts, including through implementing salt limits for food they serve or sell (see below). New York City also has been leading a voluntary [national salt reduction initiative](#) for several years to reduce salt in packaged and restaurant foods.⁷⁷ About 100 state and local agencies and organizations from around the nation (including Minnesota) have joined it. In June 2016, the FDA published a [draft sodium reduction guidance](#) for industries, titled "Voluntary Sodium Reduction Goals: Target Mean and Upper Bound Concentrations for Sodium in Commercially Processed, Packaged, and Prepared Foods."⁷⁸ The draft guidance includes both short-term and long-term voluntary goals/targets. The draft guidance has not yet been finalized.

C. Distributing Food

1. Good Food Access Program

Healthy food financing initiatives are programs designed to attract healthy food distributors to underserved communities and draw attention to any existing disparities in food availability in the community. Minnesota has enacted its own initiative called the Good Food Access Program.

The Good Food Access Program law was passed in 2016.⁷⁹ The MDA is charged with administering the program to provide financial and technical assistance for grocery stores and small food retailers to “increase the availability of and access to affordable, nutritious, and culturally appropriate food, including fresh fruits and vegetables, for underserved communities in low-income and moderate-income areas.”⁸⁰ For-profit or not-for-profit food-related enterprises such as grocery stores and other community-driven small food retailers can apply for loans and other financial or technical assistance to open, renovate, or expand their operations. Local communities can promote awareness about this new funding source.



Photo Credit: Amanda Mills

2. Government Food Procurement Policies and Systems

Local governments can use bids, contracts, and wellness policies to set nutrition standards, establish local purchasing requirements and apply point-of-sale standards relating to pricing and product placement to promote access to healthy food and beverages on government property and at government-sponsored events and meetings.

NOTE: Vending Facilities on Government Property

The federal Randolph-Sheppard Act (20 U.S.C. § 107 et seq.) gives legally blind vendors priority in operating vending and concession services on federal property. Like most states, Minnesota has its own blind vendor law which extends the priority to most state property. (MINN STAT. § 248.07 et seq. (2015).) Local governments may also have their own laws applying the preference to local government property. This priority means that legally blind vendors can be key stakeholders for healthy vending efforts involving government property.

RILEY COUNTY, KANSAS

Nutrition Standards for the County Fair Food Stand

The Riley County Fair Board included nutrition standards as part of its Request for Proposals for its 2014 county fair food stand manager. The RFP required that at least half of products meet specified nutrition standards included in the RFP, and that the healthier products be sold at prices equal to or less than comparable products not meeting the standards.⁸¹

BLOOMINGTON, MINNESOTA

Administrative Nutrition Policy

The city has a nutrition policy that applies to all food and beverages it purchases, including through contracts, and to all food and beverages sold or served to employees, citizens, and visitors, including: vending and concessions; events, meetings and workshops sponsored or coordinated by the city; city-operated events on city property or facilities; during city programs (e.g., for children or seniors); city-operated meal programs (such as senior meal programs, jails); and any other food purchased by the city. The policy includes a detailed implementation plan as well as nutrition standards based on national recommendations that are tailored for each type of venue.⁸²



THREE RIVERS PARK DISTRICT

“Better For You Choices” Standards

The Three Rivers Park District, working with Hennepin County and the Statewide Health Improvement Partnership, adopted nutrition standards and began implementing them in 2015 with the goal of applying them to at least half of the food and beverages made available to park visitors.⁸³

Local governments can include health goals in their procurement practices through a local purchasing preference policy. A local purchasing preference policy requires that food or agricultural products that are produced “locally” (which should be defined) receive some sort of preference. These policies can be tailored to promote purchases of local, healthy food in different ways.

CLEVELAND, OHIO

Local Purchasing Preference Ordinance

The City of Cleveland, Ohio, passed a local purchasing preference ordinance that gives a bid discount of two percent to bids from local food producers, as well as other sustainable and local businesses. The ordinance recognizes that “the Greater Cleveland region has a vibrant manufacturing, industrial, and food production history and we are continuing to strengthen our local economy by supporting local producers.”⁸⁴

D. Getting Food



Communities are using several types of policy tools to make it easier for residents to get healthy food, including expanding retailer licensing laws, optimizing zoning laws to promote healthy food access, and implementing transportation policies that consider the importance of providing access to healthy, affordable food.

1. Promoting Healthy Food Availability in Stores

Local governments with authority to license food retailers may find it useful to review how they define and regulate grocery stores and other food retailers with an eye towards promoting access to healthy food. For example, communities are exploring policy levers to incentivize or require convenience stores and small grocery stores to carry a wider array of healthy food and beverage products. In addition, licensing laws have been used to require food retailers to accept Electronic Benefit Transfer (EBT) payments available to low-income recipients participating in federal nutrition programs such as the Supplemental Nutrition Assistance Program (SNAP) and the Women, Infants, and Children (WIC) program.

MINNEAPOLIS, MINNESOTA

Staple Foods Law and Healthy Corner Store Program

In 2008, Minneapolis amended its grocery store licensing law to require stores to carry a minimum amount of staple foods for home preparation and consumption, such as fruits, vegetables, dairy, and meat. The city amended the law again in 2014 to expand the required food categories from four to ten, set minimum quantities in each category, provide better food quality standards, and clarify store exemptions.⁸⁵ To support implementation of the law, the city delayed enforcement efforts to allow time for stores to adjust to the changes. The health department also implemented a Healthy Corner Store Program to provide technical assistance to stores throughout this process and improve awareness of and compliance with the law.⁸⁶ The combination of the law and the technical assistance program for storeowners has been important for making the law effective.

BALDWIN PARK, CALIFORNIA

Healthy Corner Store Administrative Policy

In August 2014, the City of Baldwin Park, California, adopted a Healthy Corner Store policy to encourage corner stores to improve their healthy food and beverage options, decrease unhealthy food advertising, and adjust floor plans to encourage healthier eating choices and access to healthier foods.⁸⁷ The policy institutionalized the city's voluntary healthy corner store program that includes a three-tiered, incentive-based approach. The program also addresses tobacco marketing. The City's Healthy Corner Store Taskforce supports the implementation of the law, provides ongoing program development support, and offers incentives to participating businesses.

NOTE:

SNAP's Minimum Stocking Requirements for Retailers

The Supplemental Nutrition Assistance Program (SNAP) is a federal program administered by the U.S. Department of Agriculture (USDA) that provides low-income households with funds to purchase food from participating stores using debit or EBT cards. This program used to be known as the "food stamp" program. Retailers that participate in SNAP must carry "staple foods," meaning meat, poultry, or fish; breads or cereals; fruits or vegetables; and dairy products.⁸⁸ Staple foods typically do not include hot food that is eaten right away, like restaurant food — the program is meant to support purchase of foods for home cooking. The 2014 Farm Bill and related regulations updated the minimum staple food stocking requirements. Retailers can meet the requirements if: a) more than half of their total gross retail sales are from sales of staple foods, or b) they provide a minimum healthy food stock, which means they carry seven or more varieties in each staple food category with at least three stocking units in each variety, and they carry perishable (frozen/fresh) food items that fit into three or more staple food categories.⁸⁹ At the time this guide was written, new retailers must meet these standards beginning May 17, 2017; already participating retailers have until January 17, 2018 to meet them.⁹⁰

2. Recognizing Additional Kinds of Food Retailers: Mobile Food Carts, Green Carts, Farmers' Markets, and Seasonal Stands

Mobile food vendors, farmers' markets, seasonal stands, and other types of non-store outlets are addressed in different ways by local governments in Minnesota. Some local jurisdictions do not address them at all; some regulate them through zoning laws, permits, or licensing.

While mobile food vendors are generally licensed by the state, some cities restrict where they can operate and also limit the number of licenses allowed and times of operation. Local governments could assess how their local codes can encourage mobile food vendors focused on healthy food options. Some social service agencies are exploring how to increase access to healthy food for low-income residents through mobile food shelves and mobile grocery stores. Municipal ordinances that unnecessarily restrict sales or giveaways from vehicles parked on city streets or require off-street parking for food vendors can create obstacles for these efforts.

The Minnesota Constitution has this exemption for farmers and gardeners:

“Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.” MINN. CONSTITUTION ART. XIII, § 7.

BURNSVILLE, MINNESOTA

Licensing of Mobile Vending Carts

Burnsville requires a license to operate a mobile vending cart and has several regulations specific to these carts, including restrictions on where they can be located; requirements for restrooms for food vendors; hours of operation, and requirements for waste collection.⁹¹

LONG PRAIRIE, MINNESOTA

Licensing Exemption for Farmers and Truck Gardeners Selling Local Produce

Consistent with the Minnesota Constitution (see above), Long Prairie expressly exempts farmers and truck gardeners who are selling “vegetables, butter, eggs or other farm or garden products which are locally grown” from its licensing laws, but it does restrict the areas where they can sell.⁹²

a. Optimizing Zoning Laws

Local zoning codes determine where grocery stores, farmers' markets, restaurants, food shelves, and other types of food outlets can be located. Zoning laws also include standards and requirements that impact transportation options for getting to and from food outlets. Local governments should review these laws to make sure that they maximize access to healthy food for all community members, and particularly for residents in economically disadvantaged neighborhoods and for other socially disadvantaged groups.

MINNEAPOLIS, MINNESOTA

Bicycle Parking at Food Shelves and Other Food Outlets

Minneapolis' zoning code addresses minimum requirements for bicycle parking, including at farmers' markets, grocery stores, and restaurants.⁹³ This requirement supports active transportation as well as acknowledging the needs of people who may not have access to a car.

ARDEN HILLS, MINNESOTA

Zoning for Location and Proximity of Fast Food Restaurants

Arden Hills' zoning code includes location and proximity locations for drive-in businesses, businesses with drive-up windows, and fast food restaurants. They cannot be located within 400 feet of "a public, private or parochial school, a church, a public recreation area, or any residentially zoned property," or within 1,320 feet of another fast food restaurant or business with a drive-through/drive-in.⁹⁴



3. Facilitating Gleaning or Foraging on Public Lands

Gleaning is the act of collecting excess fresh produce and food from community gardens, farmers' markets, grocery stores, school cafeterias, and other places so that they can be donated to programs that serve people in need.⁹⁵ (See section below on **Minimizing and/or Disposing of Food-Related Waste** for more about gleaning.) Allowing for edible landscapes and harvesting or foraging for fresh produce on public lands is also being explored by some local governments.

MINNEAPOLIS PARK AND RECREATION BOARD (MPRB) Zoning for Urban Agriculture Activity Plan

This 2014 plan calls for the MPRB to change its ordinances to allow the public to harvest food from the park in areas designated as edible landscapes. The plan states: "Many individuals and groups currently forage or glean food from plants growing on parkland. The MPRB can legitimize this activity by modifying current ordinance to allow foraging within designated edible landscapes. ... MPRB integrated pest management (IPM) policy and procedure must also be considered so food produced is safe for human consumption. The MPRB is to seek assistance from community organizations that promote the planting and harvesting of fruit trees. Relationships of this type would teach urban residents about the benefits fruit trees provide and arrange for donation of harvested fruit grown on parkland."⁹⁶

E. Making Food

Access to healthy food includes having the knowledge and capacity to cook and prepare the food. Community kitchens (discussed above) can provide crucial space and facilities to community members to learn how to cook and have a place to prepare healthy foods. Individuals and community groups can rent community kitchens to offer cooking classes, food preservation workshops, and hold other events. They may be in schools (see Appendix), churches, community centers, or other facilities. As explained above, zoning and licensing laws may affect the availability of and access to community kitchens and commercial community kitchens.

F. Eating Food

Food marketing plays an important role in normalizing certain food choices and how people eat, in ways that have led to adverse health consequences. Food marketing influences our decisions about what to eat, and can even affect our perceptions about taste. For example, one study found that placing a famous cartoon character on a cereal box impacted how good the cereal tasted to children.⁹⁷ Similarly, researchers at the Cornell University Food and Brand Lab have conducted many experiments showing that adults' perceptions of how food tastes is also influenced by marketing techniques, such as how the food is labeled or named, and that the amount of food that people eat is influenced by the size of their plates or bowls.⁹⁸

Food marketing to kids poses particular concerns. Food and beverages are target-marketed to children and teens in nearly every environment where a kid might study, play, hang out, or eat. In addition to traditional marketing channels such as television, radio, and product placement in movies and television shows, food marketing is ever present in the online world, and in texts and social media.⁹⁹ Food marketing also can be found on school campuses and park and recreation facilities, on vending machines, gym or field scoreboards and signs, walls and fences, sports uniforms, and in sponsored curriculum. The nutritional quality of products most heavily marketed to children is alarming. The overwhelming majority of food and beverage advertising targeted to the young still tends to be for products of poor nutritional quality.¹⁰⁰ Further, studies show that youth of color, particularly African American and Latino youth, are disproportionately targeted with marketing for foods of the lowest nutritional value.¹⁰¹ Considering that these populations also experience significant health disparities in chronic diseases associated with poor nutrition, this targeted marketing raises many concerns.

Despite these concerns, advertisements enjoy strong protection from government regulation due to the First Amendment (or Free Speech clause) of the U.S. Constitution. Nonetheless, city and county governments across the U.S. are trying innovative policy approaches to address unhealthy eating norms. For example, communities are experimenting with laws requiring warnings on sugary drink advertising on outdoor signs, transit shelters, and similar places (San Francisco);¹⁰² and for extremely high sodium content on restaurant menus (New York City).¹⁰³ These approaches show promise, but just as the first smoke-free laws were almost routinely challenged in court by the restaurant and tobacco industries, these laws are being tested by court challenges from various food and beverage industry groups. The laws have been upheld so far, but it remains to be seen how these approaches will do over time.¹⁰⁴

Other policy approaches include requiring restaurant children's meals that come with a free toy or other incentive item to meet certain nutritional standards, or requiring that the default beverages or sides with children's meals be a healthy option.

DAVIS, CALIFORNIA

Healthy Default Beverages for Kid's Meals

In 2015, Davis adopted a law that requires restaurants to provide milk or unsweetened water as the default beverage for children's meals, defined as "a combination of food items, or food item(s) and a beverage, sold together at a single price, primarily intended for consumption by children."¹⁰⁵

Another approach is menu or calorie labeling laws. The 2010 federal calorie labeling law, which applies to restaurant chains and other retail food establishments with 20 or more locations nationally and to vending machine owners/operators with 20 or more machines, is still in the process of being implemented nationally.¹⁰⁶ Although the federal law forbids state and local governments from imposing different labeling requirements on these same chains or vending machine owners/operators, it does allow state and local governments to enact their own, identical requirements (which they then can directly enforce), and to apply different requirements on smaller food service chains or vending machine owners/operators.¹⁰⁷ A few places outside of Minnesota have adopted these kinds of laws, and thus have experienced faster implementation of calorie labeling information.

MONTGOMERY COUNTY, MARYLAND **Calorie Labeling Law**

The County has a law that parallels the federal calorie labeling law, and requires “eating and drinking establishment[s]” that are part of a chain of 20 or more locations to post calorie information by their standard menu options and to provide other nutritional information in writing. The County may (but is not required to) request that an establishment verify that the calorie labels and nutritional information posted is correct.¹⁰⁸

G. Minimizing and/or Disposing of Food-Related Waste

Composting and recycling are both components of the local food system. Composting provides an organic source of nutrients for garden soil, and makes use of leaf litter, grass clippings, plant debris, certain food scrapings, and other decomposed organic matter. Additionally, many used materials can be used or reused through recycling, such as paper, glass, and plastic. Composting programs are used to reduce waste and create a resource for farmers and gardeners.

Local governments can help reduce the amount of waste reaching landfills by removing barriers to composting and recycling (such as by permitting backyard composts in residential areas). Additionally, local governments can encourage composting and recycling by maintaining composting and recycling centers and by providing areas throughout the community to compost or recycle.

BLAINE, MINNESOTA

Backyard Composting

Blaine has a law that specifically allows backyard composting of yard waste and certain food scraps: “*Permitted composting materials*. Only yard waste, small shrub trimmings or twigs (one-quarter inch diameter maximum), straw, fruit and vegetable scraps, coffee grounds, egg shells generated from the site on which the composting is located. In addition, commercially available composting ingredients can be placed in a composting container.” The law limits composting to residential properties with no more than four units, and requires compost bins to be placed in backyards and at least five feet away from property borders.¹⁰⁹

DULUTH, MINNESOTA

Backyard Composting

Duluth also specifically allows backyard composting of “yard waste and other vegetative wastes” and not “animal wastes, manure, or putrescible [sic] animal or food matter.” The city’s law further specifies that “No backyard compost site shall be operated in a manner that it becomes infested with insects, rodents or other animals or produces offensive odors that disturb other property owners in the area.”¹¹⁰

Gleaning of food that would otherwise be thrown away or go to waste is also happening in many communities in the U.S. The USDA provides [information about federal law support for this activity, and a partial list of organizations](#) that work on recovering wholesome food for redirection to programs that fight food insecurity.¹¹¹ The Public Health Law Center also has a [resource](#) explaining federal and state law liability protections for food donations.¹¹²



Next Steps

Local governments throughout the country and Minnesota are using their local authority to identify, develop and implement policies to increase healthy eating and access to healthy, safe, affordable food in ways that are tailored specifically for the needs of their communities. The policy levers discussed in this resource are not the only types of policy options available to local governments in Minnesota, but they do show the range of ideas and approaches that are being tried, and are designed to spark local inspiration.

Of course, meaningful policy change requires an understanding of the existing legal landscape and food system, and a focus on community members who are socially disadvantaged. It also requires stakeholder engagement, and planning for implementation and enforcement. These steps are integral to support good policy drafting. Fortunately, there are many materials and resources available to help guide and inform healthy eating policy development.

Additional Resources:

Policy drafting tools and resources:

- Local and Regional Government Alliance on Race & Equity has [several resources](#)¹¹³ to help local governments create policies with equity in mind, including a [Racial Equity Toolkit](#).¹¹⁴
- RaceForward’s [Racial Equity Impact Assessment Toolkit](#)¹¹⁵ can help with doing a systematic analysis of how different racial and ethnic groups will likely be affected by a proposed action or decision.
- The Minnesota Food Charter’s [Health Equity Guide](#)¹¹⁶ provides resources and guidance to help advocates take up health-equity focused work in partnership with the communities they serve.
- The Public Health Law Center has a resource on [Drafting Effective Policies](#).¹¹⁷

General healthy eating policy or food system resources:

- [Minnesota Food Charter](#) and supporting materials.¹¹⁸
- Public Health Law Center’s [Healthy Eating website](#)¹¹⁹ has healthy eating policy resources addressing a wide range of topics.
- [Cass Clay Food Commission Blueprints](#)¹²⁰ is “a series of recommendations, called blueprints, for local governments interested in addressing local food system issues through policy and interventions.”
- University of Minnesota Extension’s Regional Sustainable Development Partnerships’ [community and local food webpage](#) has resources to help support local food and healthy food policy efforts, including a Commercial Kitchen Guide and information on local food systems, including materials for food buyers and growers, and others.¹²¹
- ChangeLab Solutions has many policy-related resources focused on reducing or preventing [childhood obesity](#).¹²²
- [Growing Food Connections](#) provides information that helps local governments “create, implement and sustain food system policies and plans that both promote food security and foster a healthy agricultural sector.” Its website has a food policy database, case studies, and other resources.¹²³
- The [Johns Hopkins Center for a Livable Future](#)¹²⁴ helps connect and promote food policy councils. Its [Food Policy Networks website](#)¹²⁵ includes a food policy “Resource Database” and other materials to support food policy council efforts.

Issue- or policy-specific resources:

- Food access generally: The Federal Reserve Bank of Minneapolis and the Wilder Foundation issued a report about healthy food access in Minnesota called: [Healthy Food Access: A View of the Landscape in Minnesota and Lessons Learned From Healthy Food Financing Initiatives](#) (April 2016).¹²⁶
- Food shelves: Univ. of Minn. Extension Services, [Promoting Healthy Eating at Food Shelves](#).¹²⁷
- Planning and land use: [Minnesota Food Access Planning Guide](#) and related resources.¹²⁸
- Rural grocery stores: Kansas State University's [Rural Grocery Initiative](#)¹²⁹ has resources to support economic sustainability of rural grocery stores. University of Minnesota Extension's Regional Sustainable Development Partnership also has resources focused on [rural grocery stores](#)¹³⁰ and locally grown produce, including a Fresh Produce Toolkit and results from a 2015 survey of rural grocery store owners in Minnesota.
- Safe Routes to Healthy Food: This project of the Safe Routes to School National Partnership has several resources focused on policy approaches to help people get to healthy food, including a [webinar](#)¹³¹ and fact sheets on: [Safe Routes to Healthy Food](#) (2016) (overview),¹³² [Mind the Gap](#) (2017)¹³³ (describing why public transit matters for healthy food access), and [The Wheels on the Bus Go to the Grocery Store](#) (2017)¹³⁴ (“outlin[ing] the role of transit agencies in improving food access”).
- Zoning: The League of Minnesota Cities' [Zoning Guide for Cities](#).¹³⁵



Photo Credit: Public Health Law Center

Appendix

School Districts and School Policies

State law gives school districts broad authority to “govern, manage, and control” and otherwise “conduct the business of the district.”¹³⁶ School districts directly shape the healthy eating environment for students and staff, and play a role in shaping broader norms about healthy eating during the school day and beyond.

Many schools participate in the federal school meal programs, which subsidizes meals and snacks that meet nutrition standards based on the USDA’s Dietary Guidelines for Americans.¹³⁷ In addition, participating schools must ensure that any “competitive foods” (foods sold during the school day and that compete with the meals) meet similar nutrition standards under the “Smart Snacks” rule.¹³⁸ Participating schools also must have wellness policies that include nutrition standards for all food provided and sold during the school day, and that address on-campus food marketing, among other things.¹³⁹ These federal rules set minimum requirements—school districts can choose to go beyond these requirements and to adopt other approaches to model and support healthy eating behaviors for students and staff.

SARTELL-ST. STEPHEN SCHOOL DISTRICT 748

Wellness Policy

The school district’s wellness policy (Policy 533) supports healthy fundraisers and concessions. It calls for schools to “use fundraising activities that promote physical activity,” and to “encourage all students to make age appropriate, healthy selections of foods and beverages, including those sold individually outside the reimbursable school meal programs, such as through a la carte [snack] lines, vending machines, fundraising events, concession stands, and student stores.” The policy also includes the following standard for snacks that may be given to children: “Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children’s diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water, milk and 100% juice as the primary beverages.”¹⁴⁰

Schools or school districts also operate gardens, on or off school property, to produce food for use in the school food program and to promote nutrition, physical activity, and/or curricular and co-curricular activities.

COLUMBIA HEIGHTS, MINNESOTA

THE EDIBLE SCHOOLYARD

The Columbia Heights School District has an edible schoolyard garden that is within walking distance from several of its schools.¹⁴¹ The school district hired a full-time, year-round garden specialist to support the gardening program. The garden’s mission “is to support academic achievement and promote healthy nutrition for students in the Columbia Heights Public School District.”¹⁴²

Farm to school initiatives connect schools with local farms. These initiatives can help students eat more nutritious foods and promote healthier lifetime habits; support local farmers; and teach kids about where their food comes from and how it is grown. School districts can incorporate farm to school initiatives into their policies to better integrate them into both cafeteria and classrooms. More information and resources to guide these initiatives is available from [MDH’s Farm to School webpage](#)¹⁴³ and the [National Farm to School Network](#).¹⁴⁴

Safe Routes to School (SRTS) initiatives are being implemented throughout the country to encourage walking and healthy living in school-aged children. SRTS efforts can also impact children’s access to healthy food by maximizing children’s exposure to healthy food as they walk or bike to and from school. For more information about Minnesota initiatives, see [MnDOT’s Safe Routes to School webpage](#).¹⁴⁵

School Kitchens as Community Kitchens: Schools with kitchens can adopt a policy that allows community members to use their kitchens and other facilities. These are commonly referred to as community use (or facility use) policies. These policies provide guidelines for how community members can use school facilities and equipment before, during, or after school hours. A community use policy will typically include procedures, rules, and expectations relating to registration, rental fees, scheduling, renting equipment, and use of property. With kitchens, schools typically require that a food service employee be present to supervise the use of the kitchen, which can add to the cost of using the kitchen.

ST. CLOUD AREA SCHOOL DISTRICT 742

Facility Use Policy

The district’s facility use policy states that the district “encourages the use of public school facilities as community centers to promote educational, recreational, cultural, and civic activities.” The policy also notes the following: “Use of kitchens by community members requires a food service employee to be present at all times while the kitchen is being used. The obligation of School District food service personnel is primarily to supervise the use of kitchen facilities. Any additional work required by food service staff will be discussed and negotiated at the time of application.”¹⁴⁶ The district posts the application form, fee information, and schedule online, which facilitates public access.

Endnotes

- ¹ See LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 1: LOCAL GOVERNMENTS IN MINNESOTA (Aug. 25, 2016), <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>.
- ² MINN. STAT. § 471.345 (2016).
- ³ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 1: LOCAL GOVERNMENTS IN MINNESOTA 4 (Aug. 25, 2016), <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>.
- ⁴ UNITED STATES CENSUS BUREAU, INDIVIDUAL STATE DESCRIPTIONS: 2012, at 154 (2013), available at <http://www2.census.gov/govs/cog/2012isd.pdf>.
- ⁵ MINN. STAT. § 410.01 and 410.015 (2016).
- ⁶ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 1: LOCAL GOVERNMENTS IN MINNESOTA 5, <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>.
- ⁷ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 1: LOCAL GOVERNMENTS IN MINNESOTA 5, <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>.
- ⁸ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 1: LOCAL GOVERNMENTS IN MINNESOTA 6-7 (Aug. 25, 2016), <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>.
- ⁹ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 1: LOCAL GOVERNMENTS IN MINNESOTA 8 (Aug. 25, 2016), <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>. See also MINN. STAT. § 368.01 (2016).
- ¹⁰ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 1: LOCAL GOVERNMENTS IN MINNESOTA 9 (Aug. 25, 2016), <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>. See also MINN. STAT. § 368.01 (2016).
- ¹¹ See MINN. STATUTES CHAPTERS 375 (regarding county boards) and 375A (regarding administrative official options).
- ¹² Research Department, Minnesota House of Representatives, Options in County Government Structure, Information Brief at 7 (2014), available at <http://www.house.leg.state.mn.us/hrd/pubs/optcntygov.pdf>; see also Ramsey County Home Rule Charter, <https://www.ramseycounty.us/sites/default/files/Leadership/Ramsey%20County%20Home%20Rule%20Charter.pdf>.
- ¹³ MINN. STAT. § 412.501 (2016). See *Booth v. City of Minneapolis*, 163 Minn. 223, 225, 203 N.W. 625, 626 (1925) (charter cities).
- ¹⁴ MINN. STAT. § 412.491 (2016).
- ¹⁵ MINN. STAT. § 398.07 (2016).
- ¹⁶ MINN. STAT. § 398.01 (2016).
- ¹⁷ See MINN. STAT. §§ 398.08 - 398.09; 398.12 - 398.13 (2016).
- ¹⁸ MINN. STAT. §§ 326B.101, 326B.41 (2016).
- ¹⁹ MINN. CONST., art. 13, § 7.
- ²⁰ MINN. STAT. §§ 157.16, 28A.04; MINN. R. CH. 4626.
- ²¹ MINN. RULES CH. 4626.
- ²² MINN. STAT. § 28A.152 (2016).
- ²³ MINN. STAT. § 28A.151 (2016).
- ²⁴ PUB. HEALTH LAW CTR., GOVERNMENT RESPONSE TO FOODBORNE ILLNESS IN MINNESOTA (2016), <http://www.publichealthlawcenter.org/sites/default/files/resources/phlc-fs-Govt-Response-Foodborne-Illness-MN-2016.pdf>.
- ²⁵ See MINN. STAT. § 462.352, subds. 5-8 (2016).
- ²⁶ Resolution, Black's Law Dictionary (10th ed. 2014).
- ²⁷ Ordinance, Black's Law Dictionary (10th ed. 2014).
- ²⁸ Code, Black's Law Dictionary (10th ed. 2014).
- ²⁹ Healthy Food Policy Project Definitions, a project of the Center for Agriculture and Food Systems, the Rudd Center for Food Policy and Obesity, and the Public Health Law Center.
- ³⁰ Paula Braveman, *What are Health Disparities and Health Equity? We Need to Be Clear*. 129 PUB. HEALTH REPORT 5 (2014) (referring to Healthy People 2020).
- ³¹ Paula Braveman et al., *Health Disparities and Health Equity: The Issue Is Justice*, 101 AM. J. PUB. HEALTH S149, S150 (2011).
- ³² Healthy Food Policy Project Definitions, a project of the Center for Agriculture and Food Systems, the Rudd Center for Food Policy and Obesity, and the Public Health Law Center.
- ³³ Paula Braveman et al., *Health Disparities and Health Equity: The Issue Is Justice*, 101 AM. J. PUB. HEALTH at S151 (2011).

- ³⁴ See MINN. STAT. §§ 462.355, subd. 1a and 473.864, subds. 1 and 2 (2016). Some municipalities are excluded from the definition of metropolitan area. “‘Metropolitan area’ or ‘area’ means the area over which the Metropolitan Council has jurisdiction, including only the counties of Anoka; Carver; Dakota excluding the city of Northfield; Hennepin excluding the cities of Hanover and Rockford; Ramsey; Scott excluding the city of New Prague; and Washington.” MINN. STAT. § 473.121, subd. 2 (2016).
- ³⁵ MINN. STAT. § 462.3535, subd. 3 (2016).
- ³⁶ CITY OF ST. CLOUD, MINN., COMPREHENSIVE PLAN 20 (Mar. 2016), available at <http://ci.stcloud.mn.us/1015/Comprehensive-Plan>.
- ³⁷ CITY OF ST. CLOUD, MINN., COMPREHENSIVE PLAN (Mar. 2016), available at <http://ci.stcloud.mn.us/1015/Comprehensive-Plan>.
- ³⁸ CITY OF TOWER-BREITUNG TOWNSHIP JOINT COMPREHENSIVE PLAN UPDATE at 24, 39 (2015), http://www.arrowheadplanning.org/tower-breitung/TowerBreitungComprehensivePlanUpdate2015_FINAL_PRINT.pdf.
- ³⁹ CLAY COUNTY, MINN., RESOLUTION NO. 2013-49 (adopted Sept. 24, 2013).
- ⁴⁰ FARGO MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS, METROPOLITAN FOOD SYSTEMS PLAN 34-37 (2013), <http://fargond.gov/city-government/departments/fargo-cass-public-health/nutrition-fitness/cass-clay-food-partners/resources>
- ⁴¹ See, e.g., CTRS. FOR DISEASE CONTROL AND PREVENTION, A SUSTAINABILITY PLANNING GUIDE FOR HEALTHY COMMUNITIES 8, http://www.cdc.gov/nccdphp/dch/programs/healthycommunitiesprogram/pdf/sustainability_guide.pdf.
- ⁴² Minn. GreenStep Communities, <http://greenstep.pca.state.mn.us/index.cfm>.
- ⁴³ Minn. GreenStep Communities, The GreenStep 29 Best Practices, <http://greenstep.pca.state.mn.us/bestPractices.cfm>.
- ⁴⁴ Minn. GreenStep Communities, Economic and Community Development Best Practices: Local Food, <http://greenstep.pca.state.mn.us/bestPracticesDetail.cfm?bpid=26>.
- ⁴⁵ CITY OF BURNSVILLE, MN, SUSTAINABILITY GUIDE PLAN 102-104, <http://www.ci.burnsville.mn.us/DocumentCenter/Home/View/1287>.
- ⁴⁶ MINN. STAT. §§ 40A.04 and 40A.05 (2016).
- ⁴⁷ MINN. STAT. §40A.01 subd. 1 (2016).
- ⁴⁸ MINN. STAT. §40A.15 (2016).
- ⁴⁹ EAGAN, MINN., RESOLUTION §§ 2, 4 http://www.metrodoctors.com/dev/images/docs/tcopc/eagan_HEAL.pdf. The resolution was adopted at the March 20, 2012 city council meeting. See <http://www.cityofeagan.com/meetings> (search for "March 20, 2012" in the archives).
- ⁵⁰ EAGAN, MINN., RESOLUTION, §§ 5-6 http://www.metrodoctors.com/dev/images/docs/tcopc/eagan_HEAL.pdf.
- ⁵¹ Memorandum to City of Minneapolis Public Safety, Human Rights, and Health Committee dated Aug. 24, 2011 (draft resolution attached), http://www.minneapolismn.gov/www/groups/public/@council/documents/webcontent/convert_266426.pdf.
- ⁵² MINN. STAT. § 471.59 (2016).
- ⁵³ MINN. STAT. § 471.59, subds. 8, 10-11 (2016).
- ⁵⁴ Clay County Board of Commissioners, Minutes from Nov. 24, 2015 meeting, at 3, <http://claycountymn.gov/AgendaCenter/ViewFile/Minutes/11252014-348>.
- ⁵⁵ Saint Paul-Ramsey County Food and Nutrition Commission, 2012 Report: Food System Recommendations 1 (May 2012), https://www.ramseycounty.us/sites/default/files/Government/Leadership/Advisory%20Groups/Food%20and%20Nutrition%20Commission/FNC_final_report_2012_0.pdf; See also St. Paul, Minn., Ord. No. 17934 (approved July 8, 1992) (copy on file at the Public Health Law Center).
- ⁵⁶ Bylaws of the St. Paul-Ramsey County Food and Nutrition Commission, https://www.ramseycounty.us/sites/default/files/Government/Leadership/Advisory%20Groups/Food%20and%20Nutrition%20Commission/FNC_bylaws_reapproved_March_7_2016.pdf.
- ⁵⁷ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 10: CITY LICENSING 8 (Nov. 2, 2016), <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>.
- ⁵⁸ LEAGUE OF MINN. CITIES, HANDBOOK FOR MINNESOTA CITIES: CHAPTER 10: CITY LICENSING 8 (Nov. 2, 2016), <http://www.lmc.org/page/1/handbook-for-mn-cities.jsp>.
- ⁵⁹ See MINN. STAT. § 157.15 et seq. (2016) and MINN. RULES 4625 and 4626 (2016).
- ⁶⁰ MINN. STAT. § 28A.01 et seq. (corresponding regulations found in MINN. RULES CHAPTERS 1500-1572) (2016).
- ⁶¹ Email communication dated Dec. 8, 2016, on file with the Public Health Law Center.
- ⁶² Minn. Dep't of Health, Licensing; Food, Pools, and Lodging Services; Who Will License the Establishment? <http://www.health.state.mn.us/divs/eh/food/license/index.html>.
- ⁶³ See MINN. STAT. §§ 366.10 et seq. (2016) (planning and zoning authority of town boards); Chapter 394 (county planning and zoning authority); and 462.351 et seq. (2016) (city planning and zoning authority).
- ⁶⁴ MINN. STAT. § 462.357, subd. 6(2) (2016).
- ⁶⁵ MINN. STAT. § 462.3595 (2016).

- ⁶⁶ For example, the State Building Code sets requirements for temporary and permanent structures to “establish reasonable safeguards for health, safety, welfare, comfort, and security.” MINN. STAT. § 326B.101 (2016).
- ⁶⁷ Pollinate Minnesota, Pollinator Friendly Cities, <http://www.pollinatemn.org/pollinator-friendly-twin-cities/>.
- ⁶⁸ CITY OF SHOREWOOD, MINN., RES. NO. 14-066 (adopted July 28, 2014), <http://www.ci.shorewood.mn.us/pages/envmt/A%20Resolution%20Endorsing%20E2%80%9CBee-Safe%E2%80%9D%20Policies%20and%20Procedures.pdf>. For texts of other resolutions on the same topic adopted by Minnesota communities, see Pollinate Minnesota, Pollinator Friendly Cities, <http://www.pollinatemn.org/pollinator-friendly-twin-cities/>.
- ⁶⁹ CITY OF ST. CLOUD, MINN., PARK AND RECREATION DEPARTMENT, 2016 ANNUAL REPORT at 20, <http://mn-stcloud.civicplus.com/documentcenter/view/658>.
- ⁷⁰ CODE OF CITY OF MOORHEAD, MINN. § 10-12.
- ⁷¹ CODE OF CITY OF MOORHEAD, MINN. §§ 10-15A-3, 10-15B-3, and 10-15C-3.
- ⁷² For more information about city regulation of animals, see League of Minnesota Cities, Information Memo, Animal Regulation in Cities (June 29, 2016), http://www.lmc.org/media/document/1/animal_regulation.pdf?inline=true.
- ⁷³ CODE OF CITY OF FERGUS FALLS, MINN., § 6.26 (F), as amended by Ord. No. 45 Seventh Series (adopted May 2, 2016).
- ⁷⁴ KAREN KORSLUND ET AL., COMMERCIAL COMMUNITY KITCHEN GUIDE 3, http://misadocuments.info/Commercial_Kitchen_Guide.pdf.
- ⁷⁵ KAREN KORSLUND ET AL., COMMERCIAL COMMUNITY KITCHEN GUIDE 4-5, 16 http://misadocuments.info/Commercial_Kitchen_Guide.pdf.
- ⁷⁶ CODE OF MINNEAPOLIS, MINN., § 186.50 (2016). See also: City of Minneapolis, Minn., License Application for Community Kitchens, http://www.ci.minneapolis.mn.us/www/groups/public/@regservices/documents/webcontent/convert_253137.pdf.
- ⁷⁷ New York City Dep’t of Health and Mental Hygiene, Sodium Initiatives, <https://www1.nyc.gov/site/doh/health/health-topics/national-salt-reduction-initiative.page>.
- ⁷⁸ 81 Fed. Reg. 35363 (June 2, 2016); see also FOOD & DRUG ADMIN., VOLUNTARY SODIUM REDUCTION GOALS (draft guidance June 2016) <https://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/UCM503798.pdf>.
- ⁷⁹ MINN. STAT. §§ 17.1017-.1018 (2016).
- ⁸⁰ MINN. STAT. § 17.1017 subd. 2(a) (2016).
- ⁸¹ Request for Proposals for Riley County Fair Food Stand Manager (2014), <http://www.rileycountyfair.com/files/library/2014%20Food%20Stand%20Manager%20RFP.pdf>.
- ⁸² CITY OF BLOOMINGTON, MINN., ADMINISTRATIVE POLICY STATEMENT, NUTRITION POLICY (Jan. 26, 2015) (copy on file with the Public Health Law Center).
- ⁸³ Jason McGrow King, Offering Healthy Food Choices in Parks, MINN. RECREATION AND PARKS (April 2016) at 16, available at https://issuu.com/designertp/docs/mrpa_spring_2016_web.
- ⁸⁴ CLEVELAND, OH., ORDINANCE NO. 1660-A-09 (2010).
- ⁸⁵ CODE OF MINNEAPOLIS, MINN., CH. 203 (codified through Apr. 5, 2017). See also Minneapolis City Council, Food Stores, Health, Environment, and Community Engagement Committee, Amendments to the Minneapolis Code of Ordinances – Food Code: Grocery Stores and Specialty (2014), available at <http://www.minneapolismn.gov/www/groups/public/@clerk/documents/webcontent/wcms1p-132637.pdf>.
- ⁸⁶ See MINNEAPOLIS HEALTH DEP’T, THE MINNEAPOLIS HEALTHY CORNER STORE PROGRAM SUMMARY REPORT (2013), <http://www.minneapolismn.gov/www/groups/public/@health/documents/webcontent/wcms1p-117774.pdf>.
- ⁸⁷ CITY OF BALDWIN PARK, CALIF., ADMINISTRATIVE POLICY #029 (approved Aug. 20, 2014), http://baldwinpark.granicus.com/MetaViewer.php?view_id=10&clip_id=2051&meta_id=212112.
- ⁸⁸ 7 CFR 271.2 (under “Staple food”). See 7 C.F.R. Parts 271 and 278 (2017) for the retailer participation requirements.
- ⁸⁹ 7 C.F.R. § 278.1 (b)(1)(iii)(A), (b)(1)(iii) (2017). “Varieties” refer to different types of food, not variations on the same type of food (e.g., apples and oranges are two varieties, but Red Delicious and Gala apples are one variety). 7 C.F.R. § 278.1 (b)(1)(iii)(C).
- ⁹⁰ Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program. (SNAP), 81 Fed. Reg. 90675, 90675 (Dec. 16, 2016) (final rule), <https://www.gpo.gov/fdsys/pkg/FR-2016-12-15/pdf/2016-29837.pdf>. See also, USDA, Food & Nutrition Svc., Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program. (SNAP), <https://www.fns.usda.gov/snap/enhancing-retailer-standards-supplemental-nutrition-assistance-program-snap>.
- ⁹¹ CODE OF BURNSVILLE, MINN., § 3-30-1 et seq.
- ⁹² CODE OF LONG PRAIRIE, MINN., § 14.211.
- ⁹³ CODE OF MINNEAPOLIS, MINN., § 541.180.
- ⁹⁴ CODE OF ARDEN HILLS, MINN., § 1325.04.
- ⁹⁵ USDA, LET’S GLEAN: UNITED WE SERVE TOOLKIT 2, https://www.usda.gov/sites/default/files/documents/usda_gleaning_toolkit.pdf.

- ⁹⁶ MINNEAPOLIS PARK AND RECREATION BD., URBAN AGRICULTURE ACTIVITY PLAN 12 (adopted 2014), https://www.minneapolisarks.org/_asset/15kfy0/urban_ag_activity_plan.pdf.
- ⁹⁷ Matthew A. LaPierre et al., *Influence of Licensed Spokescharacters and Health Cues on Children's Ratings of Cereal Taste*, 165 ARCH. PEDIATRIC ADOLESCENT MED. 229, 232 (2011).
- ⁹⁸ See, e.g., BRIAN WANSINK, *MINDLESS EATING: WHY WE EAT MORE THAN WE THINK* (2006).
- ⁹⁹ See, e.g., Kathryn Montgomery & Jeff Chester, *Interactive food and beverage marketing: Targeting adolescents in the digital age*, 45 J. ADOLESCENT HEALTH S18 (2009).
- ¹⁰⁰ See AMEENA BATADA AND MARGO. WOOTAN, *BETTER FOR WHO? REVISITING COMPANY PROMISES ON FOOD MARKETING TO CHILDREN* (2009), available at <http://cspinet.org/new/pdf/pledgereport.pdf>.
- ¹⁰¹ See, e.g., P. Ohri-Vachaspati et al., *48 Child-Directed Marketing Inside and on the Exterior of Fast Food Restaurants*, AM. J. PREVENTATIVE MED. 22 (2014) (reporting that African American communities were among groups most disproportionately exposed to child-directed marketing displays at fast food restaurants). See also, RUDD CENTER ON FOOD POLICY AND OBESITY, *FAST FOOD FACTS* (2013), <http://fastfoodmarketing.org/>; RUDD CENTER ON FOOD POLICY AND OBESITY, *SUGARY DRINK TARGETED MARKETING* vii (2014), <http://sugarydrinkfacts.org/resources/Targeted-marketing-sheets-Black-Hispanic.pdf> (discussing targeted marketing to African American and Hispanic youth); SALUD AMERICA, *HEALTHIER MARKETING AND LATINO KIDS* (2013 issue brief), <http://salud-america.org/sites/salud-america/files/Healthier-Marketing-Issue-Brief.pdf>.
- ¹⁰² CITY OF SAN FRANCISCO, CALIF., HEALTH CODE § 4200 et seq. At the same time, the city also passed a law prohibiting the use of city funds to purchase sugar-sweetened drinks.
- ¹⁰³ NEW YORK CITY HEALTH CODE § 81.49.
- ¹⁰⁴ The San Francisco law is being challenged the American Beverage Association, the California Retailers Association, and the California State Outdoor Advertising Association. The industry plaintiffs lost their motion for preliminary injunction in May 2016; their appeal is pending in the Ninth Circuit Court of Appeals and arguments were heard in April 2017. *Amer. Beverage Ass'n, et al. v. City and County of San Francisco*, U.S. Dist. Ct for the N. Dist. of Calif., Case No. 15-CV-03415-EMC (Order Denying Plaintiff's Preliminary Injunction Motion, May17, 2016) (appeal pending). The New York City sodium warning requirement was also challenged by the National Restaurant Association, but the law was upheld both at the trial court and intermediate appellate level, and the restaurant association failed to file a further appeal. *Nat'l Restaurant Ass'n v. New York City Dep't of Health and Mental Hygiene et al.*, 148 A.D. 3d 169 (N.Y. App. Div. 2017).
- ¹⁰⁵ CITY OF DAVIS, CALIF., MUNICIPAL CODE §17.02.010 et seq.
- ¹⁰⁶ 21 U.S.C. § 343(q)(5)(H) (2016). The compliance date has been extended from May 5, 2017 to May 7, 2018. U.S. Dep't of Health and Hum. Servs., *Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Compliance Date*, 82 Fed. Reg. 20825 (May 4, 2017) (interim rule and request for comments).
- ¹⁰⁷ For more information about the law, see PUB. HEALTH LAW CTR., *FED. CALORIE LABELING REGULATIONS FOR RESTAURANTS AND VENDING MACHINES IN KANSAS* (2016), <http://www.publichealthlawcenter.org/sites/default/files/resources/phlc-fs-kansas-Menu-Vending-Labeling-web-2016.pdf>.
- ¹⁰⁸ CODE OF MONTGOMERY COUNTY, MARYLAND, § 15-15A.
- ¹⁰⁹ CITY CODE OF BLAINE, MINN., § 34-91 et seq.
- ¹¹⁰ CITY CODE OF DULUTH, MINN., § 24-30 (d) and (e).
- ¹¹¹ Office of the Chief Economist, USDA, *U.S. Food Waste Challenge: Recovery/Donations*, <https://www.usda.gov/oce/foodwaste/resources/donations.htm>.
- ¹¹² PUB. HEALTH LAW CTR., *LIABILITY PROTECTION FOR FOOD DONATION* (March 2013), <http://www.publichealthlawcenter.org/sites/default/files/resources/Liability%20Protection%20Food%20Donation.pdf>.
- ¹¹³ <http://www.racialequityalliance.org/tools-resources/>
- ¹¹⁴ <http://www.racialequityalliance.org/resources/racial-equity-toolkit-opportunity-operationalize-equity/>
- ¹¹⁵ <https://www.raceforward.org/practice/tools/racial-equity-impact-assessment-toolkit>
- ¹¹⁶ <http://mnfoodcharter.com/wp-content/uploads/2014/10/MinnesotaFoodCharterHealthEquityGuide.pdf>
- ¹¹⁷ PUB. HEALTH LAW CTR., *DRAFTING EFFECTIVE POLICIES* (2014), <http://www.publichealthlawcenter.org/sites/default/files/resources/Drafting%20Effective%20Policies.pdf>.
- ¹¹⁸ <http://mnfoodcharter.com/>
- ¹¹⁹ <http://www.publichealthlawcenter.org/topics/healthy-eating>
- ¹²⁰ <http://fargond.gov/city-government/departments/fargo-cass-public-health/nutrition-fitness/cass-clay-food-partners/blueprints>
- ¹²¹ <http://www.extension.umn.edu/rsdp/community-and-local-food/>
- ¹²² <http://www.changelabsolutions.org/childhood-obesity>
- ¹²³ <http://growingfoodconnections.org/>

- ¹²⁴ <http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/projects/index.html>
- ¹²⁵ <http://www.foodpolicynetworks.org/>
- ¹²⁶ <https://www.wilder.org/Wilder-Research/Publications/Studies/Healthy%20Food%20Access/Healthy%20Food%20Access%20-%20Landscape%20in%20Minnesota%20and%20Lessons%20Learned%20From%20Healthy%20Food%20Financing%20Initiatives,%20Full%20Report.pdf>
- ¹²⁷ <http://www.extension.umn.edu/family/health-and-nutrition/partner-with-us/building-better-food-shelves/promoting-healthy-eating/>
- ¹²⁸ <http://mnfoodcharter.com/planningguide/>.
- ¹²⁹ <http://www.ruralgrocery.org/>.
- ¹³⁰ <http://www.extension.umn.edu/rsdp/statewide/rural-grocery-stores/>.
- ¹³¹ <http://www.saferoutespartnership.org/resources/webinar/safe-routes-healthy-food>.
- ¹³² <http://www.saferoutespartnership.org/resources/fact-sheet/safe-routes-healthy-food>.
- ¹³³ http://www.saferoutespartnership.org/sites/default/files/resource_files/mind_the_gap.pdf.
- ¹³⁴ <http://www.saferoutespartnership.org/resources/fact-sheet/wheels-bus>.
- ¹³⁵ http://www.lmc.org/media/document/1/zoning_guide.pdf?inline=true.
- ¹³⁶ MINN. STAT. § 123B.02 subd. 1 (2016).
- ¹³⁷ 7 C.F.R. Parts 210 (school lunch program rules) and 220 (school breakfast program rules) (2016).
- ¹³⁸ See 7 C.F.R. § 210.11 (2016). The federal requirements do not apply to food sold as part of fundraisers or other activities outside of the school day.
- ¹³⁹ 7 C.F.R. §§ 210.31 and 220.7(h) (2016).
- ¹⁴⁰ Sartell-St. Stephen School District 748, Policy 533 (last reviewed June 20, 2016), http://www.sartell.k12.mn.us/sites/default/files/ckeditor/533_1.pdf.
- ¹⁴¹ Columbia Heights District-wide Garden Case Study, Jeffers Found., <http://www.jeffersfoundation.org/documents/school-gardens/Case-Study-Columbia-Heights.pdf>.
- ¹⁴² Blooming Heights Edible Schoolyard & Outdoor Classroom, <http://edibleschoolyard.org/node/4670> (last visited Jan. 7, 2015).
- ¹⁴³ <http://www.health.state.mn.us/fts>
- ¹⁴⁴ <http://www.farmtoschool.org/our-network/Minnesota>
- ¹⁴⁵ <http://www.dot.state.mn.us/saferoutes/>
- ¹⁴⁶ St. Cloud Area School District 742, Board Policy 902, Facilities Use Policies and Procedures, <http://stcloud742.schoolwires.net/Page/922>.