Obesity Prevention on a Budget: Low- and No-Cost Policy Options to Increase Healthy Eating and Active Living
In response to the national childhood obesity epidemic, many local, state and federal leaders have advanced policies that provide children with greater opportunities to eat nutritious foods and engage in safe physical activity. Yet, the recent recession has made it much more difficult for officials at every level of government to provide services that meet the ongoing needs of their communities. As of February 2011, at least 46 states and the District of Columbia had to make cuts to social services, with most cuts affecting children, the elderly and the disabled.

Compounding the daunting economic climate is the fact that childhood obesity results in severe financial and health consequences that cannot be ignored. Obesity and its related health care expenses are estimated to cost the United States as much as $147 billion annually, with additional costs associated with lost worker productivity. Moreover, obese individuals are more likely to experience burdensome chronic diseases, such as type 2 diabetes, cardiovascular disease and high blood pressure. These steep financial and human costs make obesity prevention both an economic and health necessity.

In order to support policymakers who want to address obesity in communities and states with limited budgets, Leadership for Healthy Communities has developed the following low- and no-cost policy toolkit. The toolkit presents a range of budget-conscious policy approaches that leverage existing resources and partnerships to reduce local obesity rates by increasing opportunities for healthy eating and physical activity.

Organized by policy option, each section includes an explanation of the suggested policy approach, steps that policymakers and others can take to implement it, a brief discussion of fiscal and practical considerations and a case study of a community that implemented a similar policy.
The policy options include:

- Establishing an Obesity Prevention Council or Task Force
- Developing a Public-Use Plan, Public Dedication Ordinance or Zoning Code that Promotes Active Living
- Establishing Joint-Use Agreements for Recreational Areas
- Implementing Supervised Recess in Schools
- Setting Up and Promoting Farmers’ Markets
- Encouraging Government and Public Facilities to Procure Healthier Foods and Beverages
- Restricting Marketing of Unhealthy Foods In and Near Schools

**Establishing an Obesity Prevention Council or Task Force**

Obesity prevention councils and task forces can be used in states and localities to develop tailored obesity prevention strategies. These councils and task forces can take a range of forms, from interagency and public-private partnerships to special policy or legislative committees. Traditionally, members either volunteer or are appointed to serve on the committee or task force. The advisory bodies are typically cooperative in nature, and are authorized to develop policy recommendations that promote opportunities for community residents to live healthy, active lives. By using local or state obesity data and enlisting participation from residents, businesses and universities, these councils and task forces can make considerable progress in preventing and reducing obesity.

**ACTION STEPS**

- **Government officials** can build support for an obesity prevention council by communicating to public and private stakeholders, including the community at large, the costs of obesity as well as the social and economic benefits of addressing it. They also can encourage participation in the obesity prevention council.
- **State legislators and city and county council members** can authorize the establishment of an obesity prevention council and/or legislative task force.
- **Governors and mayors** can create local advisory committees and recruit agencies, individuals and organizations to participate.
- **Residents** can reinforce the value of the obesity prevention council by holding policymakers to account for its establishment and follow through on the council’s findings and recommendations.
FISCAL NOTE

The direct cost of an obesity prevention council to the public is likely to be negligible and mainly for the space and meeting resources needed to convene and staff the committee. If needed, leaders can engage members of businesses and the nonprofit sector as partners to defray costs associated with meeting logistics, staffing and communicating, and implementing recommendations. That being said, it is likely that obesity councils and/or task forces may provide recommendations for policies that may impact public budgets. State and local governments can minimize the cost of such recommendations by leveraging resources across governmental agencies and/or engaging other public and private entities to implement and fund solutions.

POLICY AND PROCESS CONSIDERATIONS

✓ **Legislative authority.** Enacting a policy to authorize the council lends legitimacy and creates accountability for participants.

✓ **Building support.** Engaging the community early in the process can help garner support for the council’s efforts and ensure buy-in for its findings and recommendations. Publicizing the council’s efforts also can increase prestige associated with participation and increase the interest of funders and the community.

✓ **Recruiting participants.** Establishing partnerships with the private sector can help defray costs and ensure that the council considers their interests. Recruiting those from various sectors with an interest in preventing and reducing obesity, including health officials, researchers, businesses, schools and community members, can help ensure that councils and/or task forces represent a broad perspective.

✓ **Staffing.** Ensuring that the council is adequately and professionally staffed will allow it to function efficiently and effectively while keeping participants engaged.

✓ **Sustainability.** The timeframe for councils or task forces can be very long or very short depending on the manner in which they are established. In order to ensure long-term sustainability and impact, committee members should continually assess, evaluate and report on the implementation of its recommendations.

CASE STUDY

In 1999, the Louisiana legislature authorized the Louisiana Council on Obesity Prevention and Management (LA Obesity Council). Housed in the Department of Health and Hospitals, the council is comprised of representatives from government agencies, healthcare facilities, universities, research facilities, professional associations, insurance, business/industry and nonprofit organizations. The council meets quarterly to “strengthen the alignment, development and implementation of programs, projects and research to respond to the public health challenge of obesity.” Working from a three-year strategic plan, council objectives focus on environmental change, capacity building, education and awareness. A part-time coordinator staffs the council, which is responsible for publishing an annual report,
organizing events and making periodic presentations to the state legislature on the council’s activities. In their 2008 summary report, the LA Obesity Council lists many accomplishments including the implementation of a school wellness policy, a report card on physical activity in the state, a healthy food retail study and the continuation of an award program for excellence in education to prevent childhood obesity.7

Developing a Public-Use Plan, Public Dedication Ordinance or Zoning Code that Promotes Active Living

Research has identified the role that the built environment—or lack thereof—plays in mitigating or exacerbating obesity.8,9 Studies show that community development that includes sidewalks, greenways, traffic-calming areas, and walkable spaces are not only more attractive but safer as well.10,11 Communities that provide their residents with safe, attractive and accessible places to walk, run, bike and play are less likely to have a high prevalence of obesity.12 Recognizing this, many policymakers have embraced public-use plans as a mechanism to increase opportunities for active living. Public-use plans, public dedication ordinances and zoning codes can be used by governments to develop parks, sidewalks and bike trails. To ensure that new development in their communities is consistent with this goal, policymakers can create plans and codes that require new projects to set aside space to support active transportation and physical activity, such as trails, fields and parks.

ACTION STEPS

- **State officials** can consider requiring that new developments supported by state funds include plans for ensuring spaces for active living.

- **City and county officials** can explore the legality, feasibility and potential constraints of imposing a public use or public dedication plan on developers.

- **Mayors** can engage developers, builders associations and others in the private sector to assess the need, feasibility and impact of any proposed public dedication or public use plan.

- **Community members** can participate in public hearings, comment periods and other processes during which the public dedication or public use plan is being developed.

FISCAL NOTE

The costs associated with the development and adoption of a public-use plan, public dedication ordinance or zoning code will include plan preparation, surveying, scoping, draft plans, public notices and meetings, and any personnel and contractor services costs. It is important to note that if executed incorrectly, a public-use or public dedication plan could be quite costly and result in protracted legal action.
POLICY AND PROCESS CONSIDERATIONS

- **Best practices.** Many national organizations, such as the National Parks and Recreation Association, are familiar with this approach and can offer guidance and resources to help communities develop similar plans.13
- **Buy-in.** Engaging developers and the community in plan development will help build and broaden a base of support.
- **Goals and objectives.** Establishing and publicizing clear goals and objectives for a community’s public use plan, including promoting physical activity and reducing overweight and obesity, also will help build support.
- **Compliance issues.** Although lessons can be gleaned from ordinances adopted in other states, policymakers should make sure that ordinances are customized to fit local needs and are compliant with their own state’s laws.
- **Evaluation and impact.** Including feedback mechanisms—like public hearings and surveys—in a community’s plan development process can help minimize or eliminate challenges to the plan’s validity. Policymakers should assess, evaluate and report on the development and implementation of the public use plan, including its ultimate impact on physical activity.

CASE STUDY

In 2009, Minneapolis, Minn., passed a public dedication ordinance in order to maintain “a healthy and desirable environment for residents and persons employed within the city.”14 The ordinance recognizes that open spaces and parks significantly enhance the value and attractiveness of the community. By requiring all new developments that increase the number of residential units or employees in the city set aside land to develop parks, playgrounds, recreational facilities, wetlands, trails, or open spaces, the city is ensuring that residents have places for safe, active play.

**Establishing Joint-Use Agreements for Recreational Areas**

A joint-use agreement is a formal agreement between two separate public or private entities—often a school and a city or county—outlining the terms and conditions for sharing the use of facilities.15 For example, city governments can contract with local schools districts in order to allow members of a community to use of playgrounds and fields after school hours. These agreements can allow residents to enjoy recreational space in communities where parks, schoolyards and budgets are all limited. Maximizing a community’s use of existing structures can substitute for new site development when resources are scarce, particularly where there is a growing need to increase physical activity in communities fighting higher rates of childhood obesity. Formal joint-use agreements for using indoor and outdoor school facilities are more common in more populated locales, while less populated areas commonly use informal agreements.16 The long-term benefits of joint-use agreements include healthier and closer-knit communities that take greater collective pride in
maintaining safe and clean school grounds. Joint-use agreements are most effective when partners recognize the benefits of pooling resources.

**ACTION STEPS**

- **State officials** can establish laws that open public school facilities for community use after hours, such as California’s Civic Center Act and the California Community College Civic Center Act.
- **City and county officials** can examine federal opportunities for funding to support local joint-use efforts, particularly in eligible lower-income communities. The 21st Century Community Learning Centers program, part of the 2002 Elementary and Secondary Education Act, provides funding for schools to host after-school academic and enrichment programs.
- **Mayors** can consult with their colleagues in neighboring cities or surrounding counties to assess whether facility needs can be met by creating local partnerships.
- **School administrators** can maintain accurate and up-to-date records of annual facility costs to support cost-benefit analyses of the shared space.

**FISCAL NOTE**

The most significant direct costs of joint-use agreements are those incurred as a result of increased use of a facility, including personnel such as security guards and facilities maintenance crews. Officials should consider the full cost of maintenance for a given facility on a per square foot and per hour basis (i.e., an agreement governing the use of a pool may cost more than one for indoor basketball courts), as well as the role that school districts should play in subsidizing potential users.

**POLICY AND PROCESS CONSIDERATIONS**

- **Goals and objectives.** Agreements are more likely to succeed if goals, including identifying the benefits accrued to each partner, are clearly articulated.
- **Planning.** Identifying funding and oversight responsibilities among and between partners is essential to reducing problems in implementation. An effective joint-use agreement should include a projection of how increased usage would affect facility costs.
- **Sustainability.** Long-term commitments from all parties involved provide the time to reassess and improve the agreement if unanticipated difficulties arise. Anticipating conflicts and creating processes to resolve them will help sustain the agreement over time.
- **Communication.** Ongoing communication among partners and with the community is recommended, including periodic meetings and check-ins, even when the agreement is working as planned. By engaging the community, partners can ensure that they enter into an agreement that allows them to be responsive to community needs.
Liability. One of the most often-mentioned challenges to joint use agreements is how to handle liability and insurance issues. Anticipating and clarifying the respective responsibilities of the parties should an injury occur is advisable. Organizations such as the National Policy & Legal Analysis Network to Prevent Childhood Obesity can provide resources and guidance to address liability concerns.

CASE STUDY

In 2010, Seattle School District No. 1 and the City of Seattle Parks and Recreation department formalized an agreement for the joint use of facilities. The agreement allows the two entities to pool their resources to “meet continuous youth and community demands for more recreational opportunities.” The agreement includes a vision statement to outline the intent of the policy, the shared purpose, general agreement provisions and guidelines for joint use, processes for scheduling and managing the facilities, a process for cost and revenue sharing and a liability clause, among other features. In particular, each entity agrees to indemnify and hold harmless the other party in any liability claims. The agreement also specifies that the shared use be based on “fiscally sound considerations,” and that neither entity will be expected to subsidize the use of the facilities by the other party.

Implementing Supervised Recess in Schools

Despite growing rates of childhood obesity, schools across the country are reducing or eliminating physical activity programs from the school day in response to budget constraints and mounting pressure to improve standardized test scores. However, research shows that even 15 to 30 minutes of daily physical activity can improve academic focus and classroom behavior in all grades, while improving health.

Under the supervision of trained staff, recess allows children to engage in physical activity and develop healthy bodies, as well as practice important life-skills, such as sharing, communication, negotiation and problem-solving.

ACTION STEPS

- **State officials** can implement policies and programs to support recess and/or physical activity breaks as necessary components of the school day.
- **City and county officials** can ensure that proper funding is available for the purchase and maintenance of recess equipment, such as swings or monkey bars.
- **Mayors** can engage the community and rally support to facilitate the implementation of daily recess in schools.
- **School administrators** can implement schedules that integrate supervised recess and physical activity breaks as a regular part of the school day.
FISCAL NOTE
Playground kits can be purchased to help schools implement more active recess. Kits include playground blueprints, equipment, activity guides and training videos for staff and teachers. Utilizing a kit and employing volunteers to supervise children during recess provides local officials with a low-cost, high-activity opportunity to increase physical activity. Policymakers should expect to incur costs related to volunteer recruitment, training and background checks. Additional resources may be necessary to maintain the play area and equipment, including performing safety inspections.

POLICY AND PROCESS CONSIDERATIONS

- **Regulations or standards.** Minimum standards could be adopted for daily physical activity or supervised recess for children at the local and state level.
- **Community support.** To garner support for physical activity/supervised recess at the local and state level, policymakers should consider engaging the community.
- **Planning and implementation.** School districts can establish committees composed of various stakeholders including community members, health officials and school administrators to help ensure appropriate planning and implementation.
- **Staffing.** Training staff and volunteers can help ensure that recess breaks feature moderate-to-vigorous physical activities.
- **Evaluating results.** Assessing and evaluating recess implementation at the school district level can help build the case for sustaining and expanding a successful program.

CASE STUDY
In 2006, the Hawaii State Board of Education Policy 1110-6 required the Department of Education (DOE) to establish guidelines for physical activity in response to resounding concerns over childhood obesity. The resulting **Wellness Guidelines** requires public schools to provide students in all grades with at least 20 minutes of supervised recess per day, provide qualified professionals to supervise physical activity and establish health committees at each school. To facilitate implementation of Policy 1110-6, the DOE created the **Wellness Guidelines Toolkit** to monitor progress. The policy took effect in 2007 and schools were required to complete implementation by the end of the 2010-2011 school year. In other parts of the country, schools that have implemented recess have reported some success associated with their programs, including a reduction of discipline referrals during unstructured time.
Setting Up and Promoting Farmers’ Markets

Farmers’ markets can provide fruits and vegetables in communities where options are expensive or scarce. Farmers’ markets have proliferated over the past two decades in the United States, growing from more than 1,500 in 1994 to approximately 6,200 in 2010. It is estimated that more than 60,000 farmers sell produce at these venues and 3 million consumers patronize them annually to the tune of $1.3 billion. Markets can be set up in locations that are either under-utilized or generally used for other purposes such as parking lots, empty or abandoned plots of land or town centers. By facilitating policies that support privately operated or establish publicly operated farmers’ markets, policymakers can create a new revenue stream for farmers, business owners and craftsmen while promoting healthy eating in their community.

Additionally, policymakers can help ensure that vendors at these markets are equipped to accept payment from those enrolled in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP) programs by requiring use of the electronic benefit transfer (EBT) system. With the EBT system, program beneficiaries use an electronic card, similar to a bank debit card, which transfers funds from the benefits account to the retailer. State agencies are responsible for authorizing retailers who wish to participate in WIC and SNAP and are charged with ensuring that a sufficient number of retailers receive such authorization. Many states use this system to encourage WIC and SNAP participants to use their benefits to purchase fresh fruits and vegetables.

ACTION STEPS

- **Mayors and city council members** can:
  - Establish a publicly operated farmers’ market and prescribe easily navigable rules and regulations for its operation;
  - Develop a local farmers’ market commission or advisory board;
  - Directly administer the functions of the farmers’ market, including providing staffing and implementing a WIC and SNAP redemption program; and/or
  - Encourage boards of directors for local farmers’ markets to develop a new WIC and SNAP redemption plan or publicize an existing plan.

- **City managers** can provide information on by-laws and zoning considerations and anticipate and address issues like parking, traffic and other neighborhood impacts of the proposed market.

- **State and local health and human services officials** can provide advice and technical assistance on key questions regarding the goods that are sold and requirements for inspections and safe handling of food products. They also can

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Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is a program of the U.S. Department of Agriculture that, through grants to states, provides nutritious foods, nutrition education, and referrals to health and other social services to low-income pregnant, postpartum and breastfeeding women, and infants and children up to age 5 who are at nutrition risk.

Supplemental Nutrition Assistance Program (SNAP) is the new name for federal food stamps.
provide guidance to farmers’ markets about how to accept WIC and SNAP benefits as payment.

- **Private partners** can promote the farmers’ market to potential vendors and community residents, and provide technical assistance with management and operation.

- **Nonprofit organizations and foundations** can provide information resources and funding. In particular, they can help defray costs associated with obtaining the equipment and technology necessary to redeem WIC and SNAP benefits, and publicize the redemption program to community residents.

- **Community residents** can patronize the market to ensure its success, serve on the market’s board of directors and volunteer to participate in the maintenance and upkeep of the market location.

**FISCAL NOTE**

The costs of setting up a farmers market will vary, and depend on the size of the market, its location, whether or not farmers and other vendors are charged a fee for operating a stall, the costs related to promotion, the frequency with which the market operates and its requirements for staff (volunteer or paid).

The cost to government associated with promoting a WIC and SNAP redemption program will include promotional and training materials and personnel time to develop and implement the promotional campaign. Policymakers should explore whether some of these costs can be offset with funding from nonprofit partners or the federal government. If the market is publicly operated, the costs may include private point-of-sale terminals (average cost of $700 per terminal) with monthly fees associated with terminal use and transaction costs. There is no fee associated with becoming authorized to accept WIC or SNAP benefits as payment and wired terminals to process EBT payments are generally free, except for telephone line usage charges and transaction fees. Many successful WIC and SNAP redemption programs at farmers’ markets train dedicated staff to manage the program. A volunteer could fill this role if needed.

**POLICY AND PROCESS CONSIDERATIONS**

- **Feasibility.** A feasibility assessment may help gauge the interest and need for a farmers’ market in your community. Policymakers should leverage the expertise of nonprofit partners that work on nutrition and food security issues in these assessments.

- **Form.** A range of legal entities, including associations, 501(c)(3) structures or others can be employed to manage the market and house its operations.

- **Community engagement.** Policymakers should communicate with residents early and often in the planning for the farmers’ market and its operation.
Governance and management. To encourage sustainability, officials should establish a governing body to develop a mission statement for the market, manage its operations and resolve conflict or difficulties as they arise.

Information resources. Researching and accessing federal, state, local and nonprofit resources for farmers’ markets, such as the Farmers Market Coalition and the U.S. Department of Agriculture’s tools and guides on the subject will help in the development and management of farmers’ markets.\textsuperscript{39,40}

Funding. Enlisting private partners as sponsors can help defray costs associated with farmers’ markets.

Public relations. Engaging nonprofits, civic organizations and other advocates to encourage community patronage and to publicize the benefits to the local economy and residents, may help the market succeed. These partners can help develop messaging and campaigns to keep the community engaged and organize special events and incentives to encourage patronage.

Compliance, standards and liability. Investigate insurance and other liability considerations associated with selling food items and operating at the chosen location. Establish clear standards of conduct and memoranda of understanding for vendors, including standards related to pricing.

CASE STUDY

The Maple Grove Farmers’ Market in Maple Grove, Minn., a large suburban community, is an example of a successful, publicly operated farmers’ market.\textsuperscript{41} Established by Maple Grove’s city council in 2003, the market’s first year was dedicated to planning and developing processes including dates, times, location, guidelines and a fee structure. The Maple Grove market is managed like any other city program, with assigned staff and oversight by the city administrator. Staff members work with the Hennepin County Environmental Health Department to ensure compliance with food safety requirements and two city employees serve as market coordinators recruiting vendors and promoting the market. A market manager works onsite whenever the market is open. All vendors must complete an application process and their fees go directly to support the market, defraying the costs of advertising, special events, supplies and market staff salaries. To maintain community interest and engagement, the market manager organizes special events throughout the year, such as picnics and concerts.

Encouraging Government and Public Facilities to Procure Healthier Foods and Beverages

In 2008, nearly 17 million Americans were employed by state and local governments, and many more consume a significant portion of their diet at places operated, supported or regulated by the government, including vending machines in public facilities, child-care centers, senior centers, homeless shelters, public
hospitals, schools, correctional facilities and even highway rest stops. By supporting incentives that increase the availability of healthy, locally grown foods in public facilities through government procurement practices and vending policies, policymakers can increase the nutritional quality of foods offered to people whose diets are wholly or partially dependent on government-controlled sources. This can include requiring that food vendors and vending machines in public facilities follow prescribed nutritional guidelines and/or provide labeling for the food they serve. Additionally, by placing a preference for locally grown fruits and vegetables in procurement and vending policies, governments can increase opportunities for local businesses and stimulate economic development.

**ACTION STEPS**

- **State and local government leaders** can develop policies that require or recommend that vendors to state- or locally-controlled facilities and government-sponsored events offer foods that meet specific nutritional guidelines and/or use products from in-state and local farmers.
- **Public health officials** can provide specific data that shows the negative effect and high cost of poor nutrition and obesity in the state or locality.
- **Private partners and food vendors** can provide healthier options that are cost-effective.

**FISCAL NOTE**

The costs associated with implementing new vending standards include expenses related to the transition process, staff and public education about the program and initial compliance monitoring. Ongoing costs should not exceed the costs of any prior vending program, although vendors may argue that offering healthier foods increases their program costs. In those cases, vendors can explore cost-neutral changes, such as replacing whole milk with fat-free or low-fat milk. To further address these concerns, localities can combine their purchasing power or work with larger vendors in order to negotiate lower prices for healthier options.

**Local food procurement** has largely been examined in terms of its environmental and social benefits. While very little data exists to quantify the extent of the financial savings, there is anecdotal evidence to suggest that concerns about cost increases may be unwarranted. In Toronto, Ontario, where a local food procurement policy recently passed, the staff reported that there were “no immediate financial impacts” related to the adoption of the policy.

**POLICY AND PROCESS CONSIDERATIONS**

- **Scope and responsibility.** Ensuring that existing food vendors and public agencies understand who is affected by the new policy and who is responsible for its execution will help ease implementation challenges.
✓ **Policy and political climate.** Each policy (local food procurement policies and nutritional guidelines for vending) is distinct, so policymakers should assess whether one or both approaches are likely to succeed based on their political and legislative climate.

✓ **Nutritional guidelines.** Nutritional guidelines should be defined with precision to avoid confusion among vendors who seek to comply and maintain their contracts with the state/locality.

✓ **Public education.** The general public and other government agencies will need information about the economic, environmental and health benefits of locally grown food because their support is vital for the success of the initiative. Common myths about the quality of and safety standards for local food may have to be dispelled.

✓ **Partnerships.** By partnering with neighboring states and localities, policymakers can increase the likelihood of success of their procurement program.

✓ **Timelines and benchmarks.** Transition to any new system will include bumps along the way. Establishing reasonable timelines and benchmarks can help minimize difficulties.

✓ **Local food supply.** When considering whether to establish requirements that increase demand for locally grown foods, policymakers should ascertain whether the supply is able to meet that demand.

✓ **Legal checks.** Charges of anti-competitiveness, unfair competition or non-compliance with relevant rules, regulations and ordinances can doom a local procurement policy before it yields expected benefits.

✓ **Data collection.** If local procurement policies are instituted, officials can collect data regarding the relative cost of local fruits and vegetables as compared with those shipped from further distances.

**CASE STUDY**

California has been the leader in implementing policies that require specific nutritional standards for food and beverages sold in vending machines in public facilities.46 Some of the examples include:

- Los Angeles County requires that 100 percent of foods sold in vending machines on government property meet State of California’s Nutrition Guidelines. These standards also cover public schools.47

- In 2004, Contra Costa County enacted a policy requiring that 50 percent of food and beverages sold in vending machines in county-owned or operated facilities meet specific nutrition standards.48

- In 2006, Chula Vista County enacted a policy requiring that all vending machines at any city facility contain only healthy snack and beverage choices.49

- In 2010, by executive order, San Francisco set nutrition standards for food and beverages sold in vending machines on city and county property. The standards
prohibit sugar-sweetened drinks and require that 50 percent of foods meet standards for fat, saturated and trans fat, and sugars.\textsuperscript{30}

Additionally, New York has enacted multiple laws and regulations designed to promote the procurement of food produced in-state.\textsuperscript{51} State finance law section 165 provides that “state agencies may mandate that all or some food products” must be grown, produced or harvested in New York. Non-state agencies are encouraged to adopt the same standard. Executive order #39 provides that agencies take feasible actions to increase the proportion of their food purchases that are locally grown. Several other bills have been considered that would apply similar standards to school districts and facilities controlled by the Department of Health. An additional measure would help finance the transportation and distribution of food products from in-state sources.

\section*{Restricting the Marketing of Unhealthy Foods in Schools}

Children consume a significant portion of their daily calories during the school day, and many fast-food chains and processed food manufacturers specifically target children while they are at school.\textsuperscript{52} This is especially disconcerting because studies show that food marketing within the school environment can influence what children eat outside of school hours.\textsuperscript{53} Thus, it is important for school environments to reinforce healthy eating messages. Policymakers seeking to promote an overall wellness or obesity prevention strategy may consider restricting the marketing of unhealthy foods in the school environment by prohibiting all advertisements and promotions on campus, banning all food and beverage advertisements and promotions on campus, or forbidding the marketing of products that are not permitted to be sold on campus. This policy option may find additional support since the enactment of the Healthy, Hunger-Free Kids Act (P.L. 111-296), which requires that state and local governments adhere to stronger nutrition standards in schools.\textsuperscript{54}

\section*{ACTIONS STEPS}

\begin{itemize}
  \item \textbf{State legislators and school boards} can limit food marketing in schools with careful attention to constitutional parameters.
  \item \textbf{School administrators} can ensure that policies are implemented in a manner consistent with the law. They also can seek supplemental funding to offset the loss of non-tax based revenues from vendor contracts.
  \item \textbf{Health officials and nonprofit organizations} can provide technical assistance to school administrators and educators on how to implement the standards.
  \item \textbf{Private partners} can sponsor public relations and media advocacy campaigns to educate parents and the community about the new policies and the benefits of healthy eating and active living.
\end{itemize}
Leadership for Healthy Communities

FISCAL NOTE

This approach does not have significant direct costs as it is mainly regulatory in nature. Policymakers should expect some costs related to educating people about the new standards and ensuring compliance. Some schools may be reluctant to reduce or regulate competitive sales, particularly given current economic challenges. However, schools that have replaced less-healthy competitive products with healthier items have reported no loss in revenues. The loss of that tool could place those districts in the position of having to make difficult decisions about programs previously funded by these contracts. To counteract this, schools can explore healthy fundraising activities, such as walk-a-thons, book fairs, non-food product sales and healthy food sales.

POLICY AND PROCESS CONSIDERATIONS

✓ Constitutional questions. The plan to restrict advertising of unhealthy foods in or around schools should be carefully crafted to avoid constitutional challenges. The National Policy & Legal Analysis Network to Prevent Childhood Obesity can provide resources and guidance to address these concerns.

✓ Offset of loss of funding. In some school districts, vendor contracts provide additional funding. Seeking out new fundraising sources to replace or even exceed those former sources can reduce opposition to the plan and maintain the availability of important activities. The Center for Science in the Public Interest found that beverage sales contracts are actually less profitable than other forms of fund raising, including non-food-related fund-raisers such as sales of gift wrap and candles. Further, among schools and districts that improved the nutritional quality of fund-raising products offered, most increased their revenues.

✓ Compliance. It is important to ensure that leaders throughout the school district are aware of the new guidelines and have the tools and resources to comply. The Healthy Schools Program from the Alliance for a Healthier Generation offers technical assistance to school, parents and community members on this and other related topics.

CASE STUDY

In 2005, the Maine legislature prohibited brand-specific advertising of any foods or beverages in school buildings or on school grounds that did not meet standards for sale or distribution on school grounds. The law further provides that the foods and beverages sold on school grounds be consistent with specific nutritional guidelines, thus effectively banning advertising of fast foods (which would include “brand-specific” foods) and other unhealthy foods that would not meet the prescribed guidelines.
Conclusion

Using these low- and no-cost policy approaches, elected and appointed officials can help to increase opportunities for children to eat nutritious foods and engage in safe physical activity. Policymakers who would like more information or assistance regarding the advancement of these policies can learn more at www.leadershipforhealthycommunities.org.

Notes


12. Sallis J and Glanz K.

13. The National Parks and Recreation Association has as one of its guiding principles, "policies that encourage walking, biking, and the development of alternative transportation networks that will create more livable and healthy communities" and maintains a research and policy database that can provide assistance to state and local policymakers seeking to promote this principle in their own communities.


16. Ibid.


18. Ibid.


26. Ibid.


30. Ibid.


36. Ibid.

38. WIC recipients are also eligible for the Farmers’ Market Nutrition Program, which provides benefit checks that can be used toward the purchase of fresh fruits, vegetables and herbs only.


47. Ibid.

48. Ibid.

49. Ibid.

50. Ibid.


58. A study by Michele Polacek, PhD, MHS, of the University of New England, presented at the American Public Health Association annual meeting in 2010, revealed that despite the new law, 85% of schools surveyed were not in compliance.

ABOUT THE PROGRAM

Leadership for Healthy Communities is a national program of the Robert Wood Johnson Foundation.

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This brief was produced by Global Policy Solutions with direction from the Robert Wood Johnson Foundation (RWJF) for RWJF’s Leadership for Healthy Communities program.

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