

Healthy Retail Ordinance

Chapter ### - Healthy Retail.

- Findings.

- (a) Diets with an excess of added sugars and sodium are correlated with chronic health issues including hypertension, type 2 diabetes, tooth decay, and stroke.
- (b) The safety of many low/reduced-calorie sweeteners is questionable, especially for children. Many have not been well tested, some appear to pose a risk of cancer, and some can cause gastrointestinal distress, especially when consumed in large amounts.
- (c) Grocery and convenience stores are Americans' top source for foods and beverages. More than 65 percent of Americans' caloric intake comes from food items purchased at large grocery retailers.
- (d) The environments in which food choices are made affect those choices. The placement of unhealthy snack foods and beverages near the checkout registers and on aisle endcaps and freestanding displays throughout retail stores increases the likelihood that consumers will make unplanned purchases of unhealthy foods. The placement of unhealthy snack foods and sugar-sweetened beverages at checkout, therefore, undermines public health initiatives and consumers' desire to make healthy choices.
- (e) While over 80 percent of grocery, pharmacy, and corner stores across California and Contra Costa County sell condoms, only 43 percent of stores make them available for purchase without asking for assistance. This is a real barrier for the prevention of unwanted pregnancy and Sexually Transmitted Infections.
- (f) In Contra Costa County there are increased rates of chlamydia and gonorrhea in zipcodes where accessing condoms requires clerk assistance.
- (g) Providing customers with the choice to avoid undue pressure to purchase high-calorie, low-nutrient food when they shop as well as making condoms more accessible is in the interest of the health, safety, and welfare of all who live, work, and do business in Contra Costa County.

- Purpose.

- (a) The purpose of the ordinance is to encourage healthy purchases and improve the health of Contra Costa residents by providing healthy food and beverage alternatives to consumers in checkout areas, limiting consumer exposure to sugar-sweetened beverages and unhealthy foods, and increasing accessibility of condoms in retail stores in unincorporated areas of Contra Costa County.

- Definitions.

- (a) "Added sugars" means sugars that are added during the processing of foods and beverages, or are packaged as such, and include sugars (free, mono and disaccharides), sugars from syrups and honey, and sugars from concentrated fruit or vegetable juices that are in excess of what would be expected from the same volume of 100 percent fruit or vegetable juice of the same type, as defined in Section 101.9 of Title 21 of the Code of Federal Regulations.
- (b) "Category list" means the list of foods and beverages which meet the standards of XXX.
- (c) "Checkout area" means any area that is accessible to a customer of the Retail Store that is:
 - (i) Within 3 feet in any direction of any Register; or

- (ii) Designated primarily for or utilized primarily by customers to wait in line to make a purchase at a register; up to and including the Checkout Endcap.
- (d) "Checkout endcap" means product displays placed at endpoints of areas designated primarily for or utilized primarily by customers to wait in line to make a purchase.
- (e) "External condom" means a sheath which completely covers the penis with a closely fitting membrane, designed primarily for contraceptive and prophylactic purposes.
- (f) "Healthy Checkout Areas Standards" means the standards for foods and beverages set forth in **###.## (a)-(d)**.
- (g) "Low- and no-calorie sweeteners" means sweeteners with few to no calories that have a higher intensity of sweeteners per gram than sucrose.
- (h) "Register" means a device used for monetary transactions that calculates the sales of goods and displays the amount of sales for the customer.
- (i) "Retail store" means a commercial establishment, located within Contra Costa County, selling goods to the public with a total floor area of 2000 square feet or more and selling 25 linear feet or more of food and beverage products.

###.## - Healthy Checkout Areas.

Each retail store shall at all hours during which the retail store is open to the public ensure that all foods and beverages displayed for sale in the checkout areas meet the following standards:

- (a) Beverages shall contain no added sugars and no low- and no-calorie sweeteners.
- (b) Beverages shall be from the following category list: water, milk and milk alternative, 100% juice, coffee, and tea.
- (c) Food items shall contain no more than 5 grams of Added Sugars and 200 milligrams of sodium per labeled serving.
- (d) Gum and mints shall contain no added sugars.

Contra Costa County shall conduct an annual review of qualifying beverage categories in the Healthy Checkout Areas Standards. There shall be a 180-day phase-in period if changes to the Healthy Checkout Area Standards are made.

###.## - Condom Accessibility.

Each retail store offering external condoms for sale shall at all hours during which the retail store is open to the public ensure that:

- (a) One or more facings of external condoms be displayed and accessible to customers without staff assistance.

###.## - Enforcement.

- (a) Contra Costa County is authorized to issue all rules and regulations consistent with this ordinance.
- (b) Contra Costa Health Services staff will implement enforcement of this chapter.
- (c) Contra Costa County may require retail stores to report information necessary to determine compliance with this chapter.

###.## - Violations – Penalties.

(a) A retail store found to be in violation of this chapter may be subject to [PENALTY]

##.## - Severability.

(a) If any part or provision of this chapter or its application to a person is held invalid, the invalidity of that part, provision or application does not affect other parts, provisions, or applications of this chapter that can be given effect without the invalid part, provision, or application.

##.## - Effective Date.

This ordinance and the legal requirements set forth herein shall take effect and be in force for retail stores as of [DATE]. Enforcement pursuant to [##.##] shall commence no sooner than [DATE].

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