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This webinar is being recorded. If you arrive late, miss details or would like to share it, we will send you a link to this recording after the session has ended.
Presenters

- Adrienne Paine-Andrews, *Kansas Health Foundation, Moderator & Project Director*
- Scott Wituk, *Center for Community Support & Research*
- Natasha Frost, *Public Health Law Center*
- Vickie James, *Healthy Kids Challenge*

- Post-webinar discussion, facilitated by Chan Brown, *Kansas Health Foundation*
The Public Health Law Center
Introductions

Mary Marrow
Staff Attorney,
Public Health Law Center

Natasha Frost
Staff Attorney,
Public Health Law Center
The Public Health Law Center

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Policy Change

Making the healthy choice the easy choice
Healthy Eating
Opportunities to Promote Healthy Food and Beverage Environments

- Food Policy Council
- Food Procurement Practices
- Urban Agriculture
Food Procurement Practices

- Vending Machines
- Procurement for Events and Meetings
- Concessions
- Cafeterias
- Patient Trays in Hospitals
- Community Food Outlets
Food Procurement Practices
Food Procurement Practices

Feeding America’s Schoolchildren
Navigating the Complicated Legal Terrain and Practical Challenges of Federal School Nutrition Programs
A Policy Options Brief
January 2013

Collective Purchasing of Food for Federal School Nutrition Programs

Federal school nutrition programs are increasingly seen as a critical component in national efforts to reduce childhood obesity. At the same time, school officials are faced with a complex system of legal requirements and practical challenges to getting nutritious food to schoolchildren. Collective purchasing can be an effective tool through which individual schools can leverage their purchasing power with other schools to secure lower prices and streamline the contracting, purchasing, processing, and distribution of food served as part of federal school nutrition programs. This fact sheet provides an overview of collective purchasing approaches used by schools in the operation of federal school nutrition programs.*

How Do School Food Authorities Purchase Food for School Nutrition Programs?

School food authorities (SFAs) purchase food or services for school nutrition programs through direct or collective purchasing.

Direct purchasing is a method through which SFAs connect directly with food suppliers (i.e., without the help of collective purchasing agreements or food service management companies). These suppliers could be local, regional, or national companies or individual farmers. Food suppliers could also be food processors, manufacturers, or distribution companies.

School food authorities typically purchase food directly from food handlers or distributors.

Collective purchasing is a method through which multiple SFAs come together and purchase as a group rather than making purchases individually. Collective purchasing allows SFAs to obtain greater buying power and lower prices than they would have when buying on their own.

SCHOOL FOOD AUTHORITY

A school food authority (SFA) is the governing body responsible for the administration of federal school nutrition programs in one or more schools. An SFA has the legal authority to operate the federal school nutrition program.

Food Procurement Practices


Healthy Vending and the Randolph Sheppard Act

Vending machines are contained by communities nationwide in city and county buildings, parks, and recreation centers. The vending machines often sell snacks and beverages high in sugar, fat, and salt, with little nutritional value. School, state, and local governments are becoming aware of the health effects of their residents by regulating all vending service providers to ensure healthier options are sold in vending machines on public property. Vending service providers are important allies in any healthy vending initiative. Legally blind vendors can be particularly influential in what is sold in vending facilities leased on government property because of the Randolph Sheppard Act. The Randolph Sheppard Act and similar state laws provide a penalty for state leasing agencies to develop vending businesses on specified government properties for legally blind vendors to operate. While state leasing agencies may not develop vending businesses in all locations under these mandatory laws, a good share of the vending businesses on government properties are operated by legally blind vendors. Thus, these vendors can be key stakeholders in any effort to provide healthier food and beverage options in vending facilities. This fact sheet discusses the Randolph Sheppard Act and what the law means for healthy vending efforts.

What is the Randolph Sheppard Act?

The Randolph Sheppard Act (“Act”) is a federal law that gives legally blind vendors advantages over other vendors who operate vending facilities (e.g., vending machines, refrigerators, and snack bars) on federal property. The Act establishes a vending business program in each state, often referred to as the Business Enterprise Program or BEP. The BEP is designed to provide self-employed opportunities for qualified aging blind individuals. The Act provides general guidance on how the BEP should be operated in each state. Each state designates a state leasing agency (SLA), that oversees implementation of the Act. The SLA retains, trains, and licenses legally blind individuals and is eligible to participate in the BEP. BEP participants work cooperatively with the SLA on developing and administrative decisions that affect the BEP. Typically, the SLA applies for a permit or license and then lists the terms and conditions to operate a vending facility on federal property. Blind vendor also can directly bid on a vending facility contract. If the federal agency determines the permit application or bid is without competitive range (i.e., not competitive) and is not acceptable, the agency grants the permit or award to the vending machine on federal property. This contract, however, requires the federal agency to award a contract to a vending machine on federal property. The Act also requires that if a new vending machine is in direct competition (i.e., the same location) with a blind vendor operated vending machine, a portion of the account from the new vending machine must be given to the blind vending machine.
Food Procurement Practices

PUBLIC HEALTH POLICY CHANGE

Rising to the Challenge—Why and How Health Care Facilities Are Implementing Nutrition Strategies on their Campuses to Prevent and Reduce Obesity

The legal information and assistance provided in this webinar does not constitute legal advice or legal representation.

Healthy Beverage Programs

Contribute to Healthier Bottom Lines

When the subject of healthy vending comes up, there is often a misperception that these programs will lose money. This fact sheet discusses some of the issues that may be helpful to consider when concerns about the potential financial impact of healthy beverage programs are raised. It is part of a series of resources designed to inform and support efforts to promote healthy beverage choices and reduce consumption of unhealthy products within workplace settings in Minnesota, with a special focus on healthcare settings. Although the series focuses on beverages, many of the principles and approaches can also be applied to the food environment.

Taking steps to eliminate the availability of sugary and other unhealthy beverages within a facility often raises concerns that these programs will result in revenue loss. Food and beverage vending machines generate income, and there is a common misperception that healthy options won’t sell as well as unhealthy ones. Healthy vending programs implemented in schools indicate that the feared financial losses rarely come to pass. The experiences of schools and worksites that have implemented measures to reduce availability of unhealthy foods and beverages suggest that while there may be an initial adjustment period, overall revenue remains fairly consistent. These experiences indicate that customers tend to embrace the sale of healthier options—particularly water and 100% juices.

Potential Financial Impacts of a Healthy Beverage Program

● Many institutions report neutral revenue impact
● The demand for healthy beverages is increasing

Public Health Law Center 875 Summit Avenue St. Paul, Minnesota 55105 www.publichealthlawcenter.org 651.290.7906
Urban Agriculture

Community Garden Policy Reference Guide
Urban Agriculture

COMMUNITY GARDENS: MODEL RESOLUTION LANGUAGE

The Public Health Law Center developed the following model language to be used as a tool for cities and counties to use in the promotion of community gardens on both public and private land. The model resolution is provided in both a short and long version. Both resolutions include a framework local governments can use to promote and encourage community gardens as a valuable resource and use of land on both public and private property.

The short version provides local governments with information regarding the benefits of community gardens and a general statement of support for the promotion of community gardens.

The long version provides additional information regarding the benefits of community gardens and specific policy steps a local government can take to promote community gardens. This includes specific action steps to ensure the resolution is implemented and potential ways that local government can get involved in developing a sustainable community gardens program.

Creating a resolution is one measure through which a local government can establish specific goals that encourage and support community gardens. The model Community Garden Resolution below, commits a local government to implementing a community garden policy, ensures governmental support to community gardens, and establishes the process for creating a community garden. The local governing body will need to determine where to add language or make changes within specific policies, ordinances, or regulations to ensure that the resolution best fits their needs and specific legal structure. Language in bold and language in brackets indicate language that may be inserted or an arm to be changed to meet the needs of a specific local government.

For more information on policy drafting, please refer to the Public Health Law Center’s website, www.publichealthlawcenter.org and the Policy Drafting Checklist. The Center also offers training to certain local communities on drafting effective policies and may be able to review the draft of your resolution as an outreach service. Please check the Center’s website at www.publichealthlawcenter.org for the latest version of the model resolutions.

To request assistance or provide suggestions, e-mail the Center at: publichealthlaw@umich.edu

LEGAL ISSUES IMPACTING FARM TO SCHOOL AND SCHOOL GARDEN PROGRAMS IN MINNESOTA

This legal overview provides an overview of the key legal issues involved in farm to school and school garden programs in Minnesota. These include school nutrition school gardens, both on and off school property, as a farm to school program. Legal issues affecting the use of food from these school gardens may be different from legal issues associated with other farm to school programs between schools and local farmers or distributors. The following discussion will distinguish between issues impacting “school gardens” and issues affecting other “farm to school” programs. This overview is not meant to be an exhaustive analysis of all the legal or policy issues which may be present but is intended to highlight the areas of primary concern for schools and farmers.

What Is Farm to School?

Farm to School is a program that connects schools with local farms. Specific aspects of these programs may be different depending on the individual farm to school program. However, farm to school programs generally feature:

1. Help students eat more nutritious foods and promote healthier eating patterns
2. Support the local economy and local farmers
3. Teach students about the origins of their foods and how their food is grown.

Schools can obtain food for a farm to school program through different sources. The most common sources for a farm to school program are local distributors and local farmers. However, some schools consider school gardens, on or off school property to be farm to school program as well. School gardens usually involve gardens operated by school, schools district, 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. For purposes of this discussion, “farm to school” will refer to programs wherein a school obtains food from a local distributor or local farmer. “School garden” will refer to gardening programs which are operated by a school or school district.

Many farms to school programs begin by providing locally grown in-season fruits and vegetables to schools. At the same time, some farms to school programs may also include locally produced meat, poultry and dairy products, wild rice, fruits, and other grain products, and herbs, in addition to fresh vegetables and fruits. Different legal issues may develop as schools expand their farm to school programs beyond providing in-season fruits and vegetables and fruits.
Role of policies in your organization to promote healthy food and beverages
Active Living
Opportunities to Promote Active Environments

- Active Transportation
- Safe Routes to School
- Recreational Use of School Property
- Active Worksites
Active Transportation

MINNESOTA’S STATEWIDE COMPLETE STREETS POLICY

THE COMPLETE STREETS LAW DIRECTS MnDOT TO WORK WITH STAKEHOLDERS TO UPDATE MnDOT POLICIES AND PRACTICES TO ALIGN WITH COMPLETE STREETS THINKING.

July 2010

In 2010, Minnesota created a statewide Complete Streets policy, joining 13 other states that have Complete Streets laws in place.

What is Complete Streets?

A Complete Streets policy is a term used to describe transportation planning and design policies and practices that emphasize safety and accessibility for all users. A Complete Streets policy ensures that the needs and safety of pedestrians, bicyclists, motorists, and transit riders of all ages and abilities are taken into account in the design and operation of roads.

What does the new statewide complete streets policy accomplish?

The Complete Streets Law directs Mn/DOT to work with stakeholders to update Mn/DOT policies and practices to align with Complete Streets thinking. The law mandates that Mn/DOT report back to the Legislature on these changes in a series of three reports in 2011, 2012, and 2014. The law also requires Mn/DOT to provide more

Quick Bicyclist Facts

- Bicyclists have the same general rights and duties as motorists and must obey all traffic control signals and signs.
- Bicyclists must ride in the same direction as traffic and are encouraged to ride as close as possible to the right-hand edge of the roadway.
- Generally, bicyclists are prohibited from riding on sidewalks in business districts and other market areas.
- Bicyclists must yield to pedestrians and give an audible signal when approaching or passing a pedestrian.
- Bicyclists must use arm signals 100 feet before making a lane change or turn. A left turn is indicated by the left arm extended horizontally. A right turn is indicated by the left hand extended upward or the right hand and arm extended horizontally.
- Bicyclists are required to use proper safety equipment, including reflective gear and helmets.

Quick Pedestrian Facts

- Pedestrians must follow traffic control signals at all intersections. Pedestrians have the right-of-way at all marked crosswalks and all intersections with unmarked crosswalks.
- Pedestrians who cross a roadway at any other location must yield to traffic in the roadway.
- Pedestrians who cross between adjacent intersections with working signals must use the crosswalk. Pedestrians must use sidewalks, where available, rather than a roadway.
- Pedestrians should be on the left hand side of the road when there are no accessible or usable sidewalks.

For related publications, visit www.publichealthlawcenter.org

The Public Health Law Center provides information and technical assistance on issues related to health and public health. The Public Health Law Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, consult with an attorney.
Safe Routes to School

A WALKING SCHOOL Bus Program aims to get children walking to and from school in groups accompanied by adults. It encourages students and adults to be more physically active and social. The program is ideal for neighborhoods that have a school within walking distance.

Adult volunteers are essential to the Walking School Bus Program. They are responsible for organizing the program and for walking the children to and from school. Adult volunteers are expected to act reasonably and with good intentions. A Minnesota courts will presume that the volunteers were acting reasonably during the course of volunteering.

Q: What is liability?
A: Liability is a legal responsibility. Typically, for you to be held liable, someone must prove that:
   - You owed them a duty of care
   - You failed to perform that duty or did so negligently
   - Your negligence caused someone harm that could have reasonably been expected to occur.

“Program is ideal for neighborhoods that have a school within walking distance.”

Q: What is a person’s “duty of care”?
A: The duty you owe someone depends on the circumstances. Generally, you have the duty to act with reasonable care toward others. If a person is injured while boarding a school bus, you are responsible for the injury.

Q: What is negligence?
A: Negligence is the failure to act as a reasonable person would in the same situation.

Q: What is “cause of harm”?
A: “Cause of harm” means that your action was an important factor in causing the harm and that you could have reasonably prevented the injury from occurring.

LIABILITY FOR VOLUNTEERS IN THE WALKING SCHOOL BUS PROGRAM

MINNESOTA LAW PROVIDES PROTECTION FROM LIABILITY CLAIMS

PUBLIC HEALTH LAW CENTER

LIABILITY FOR MINNESOTA SCHOOL DISTRICTS IMPLEMENTING POLICIES TO PROMOTE ACTIVE LIVING AND HEALTHY EATING

EACH SCHOOL day presents an opportunity for students of all ages to practice healthy behavior. Schools can improve student health in schools through well-designed policies tailored to community needs.

Across the state of Minnesota, school districts have adopted policies to include school wellness, team to school, safe routes to school, school gardens, and community recreation facilities. These policies are aimed at promoting health and well-being among students.

Q: What is liability?
A: Liability is a legal responsibility for injury, death, or damage. The standard of care for holding someone liable differs depending on what and who caused the injury.

Q: How does Minnesota law protect school districts from liability?
A: Two forms of protection are available to school districts looking to develop policies that promote healthy lifestyles.

First, Minnesota law protects school districts from liability in situations that occur during the course of volunteering.

Second, Minnesota law protects school districts from liability for injuries that occur during the course of volunteering.

“Create clear policies based on a balancing of factors. Keep a record of what factors were considered in the making of these policies.”
Safe Routes to School

SAFE ROUTES TO SCHOOL AND LIABILITY ISSUES

SEPTEMBER 26, 2012
PUBLIC HEALTH LAW CENTER
SCOTT M. KELLY
MARY MARROW

Safe Routes to School (SRTS)
Initiatives and Liability
Opportunities, Perceptions & Realities
December 11, 2012
Recreational Use of School Property
Recreational Use of School Property

Finding Space to Play:
Legal and Policy Issues Impacting Community Recreational Use of School Property
A Policy Options Brief
April 2012

Wisconsin’s new liability law
Protecting schools that provide community recreational use of school grounds

Communities around the country are pursuing active living and healthy eating strategies in a variety of settings. In Wisconsin, public health advocates are working to increase physical activity by promoting recreational use of school property during non-school hours. However, these efforts sometimes encounter barriers with administrators and governmental officials based on fears of liability. In 2012, a new law passed to provide liability protection for schools when allowing community use of school property during non-school hours. This law provides a unique opportunity for advocates to work with schools to promote physical activity in schools with the help of recreational use agreements.

What is Liability?
Liability is a legal responsibility for injury or damages. Typically, to be held liable for someone else’s injuries, the injured person must prove that:
- A legal responsibility (a “duty of care”) exists to protect others from harm;
- Someone failed (“breached”) to meet the duty of care;
- An individual is injured (“damaged”) in some way; and
- The damage was caused by that breach in the duty of care (“causation”).

In 2012, a new law passed to provide liability protection for schools when allowing community use of school property during non-school hours.
Active Workplace
Active Workplace

PUBLIC HEALTH POLICY CHANGE

CREATING A CULTURE OF WELLNESS THROUGH WORKSITE POLICY CHANGE

FEBRUARY 21, 2012
Feasibility
Healthy Eating

Obesity is one of the most serious health threats facing our nation. According to the U.S. Centers for Disease Control and Prevention, more than two-thirds of American adults and one-third of American youth are now obese or overweight. Obesity-related conditions make up several of the leading causes of death in the U.S. High rates of obesity are largely responsible for the United States’ declining health outcomes and rapidly rising healthcare costs. Lack of availability and affordability of healthy food contribute to the obesity epidemic. Laws and policies that promote healthy food and limit access to unhealthy food are critical tools in addressing the obesity epidemic.

As one example, at the federal level, in 2012, the U.S. Department of Agriculture updated the minimum nutritional standards for the national school breakfast and lunch programs to bring them in line with current nutritional science about what makes up a healthy diet for kids across different age groups. Additionally, the federal Affordable Care Act passed in 2010 includes provisions that require large chains of retail food establishments and vending machine operators to disclose calorie content of items on menus and in machines and provide other important nutritional information, so that consumers can know what’s in the food they’re eating before they pay for it. This federal law also established healthy vending options in federal workplaces.

SUBTOPICS
- Access to Healthy Affordable Food
- Advertising Self-Regulation
- Afterschool Programs
- Breastfeeding
- Child Care
- Farm to School
- Federal Farm Bill
- Food Policy Council
- Food Marketing to Kids
- Food Rating Systems
- Food Safety
- Gardens
- Healthy Vending
- Hospitals/Health Clinics
- Land Use/Zoning
- Liability
Healthy Vending

Vending machines are convenient when we need a quick snack or a cold drink. But choosing a healthy snack can be difficult when vending machines are stocked only with chips, candy bars, and soda. The lack of healthy choices often forces us to choose between a high-fat, high-sodium, high-sugar snack and no snack at all.

"Healthy vending" refers to policies that increase the number of healthy choices in vending locations, which may include vending machines, concession stands, and other places where packaged or prepared food is sold. Healthy vending policies may also require that healthy choices be no more expensive than unhealthy choices, that healthy choices be located at eye-level or clearly labeled, or that unhealthy choices be removed altogether.

Check out our Healthy Vending Resources!

For Other Related Topics:

- Access to Healthy Affordable Food
- Afterschool Programs
- Food Policy Council
- Food Marketing to Kids
- Food Rating Systems
- Healthy Eating
- Resources
- Hospitals/Health Clinics
- Land Use/Zoning
- Tobacco Control
- Healthy Eating
- Access to Healthy Affordable Food
- Advertising
- Self-Regulation
- Afterschool Programs
- Breastfeeding
- Child Care
- Farm to School
- Federal Farm Bill
- Food Policy Council
- Food Marketing to Kids
- Food Rating Systems
Resources

**Rising to the Challenge—Why and How Health Care Facilities Are Implementing Nutrition Strategies on their Campuses to Prevent and Reduce Obesity**

**Date:** Tue, 08/18/2012  
**Time:** 12:00PM

This webinar provides an overview of the science behind obesity and chronic disease. It explains why growing numbers of hospitals are taking steps to reduce sugary drink consumption and other healthy eating strategies within their facilities. Finally, it provides information about strategies and tools, drawing on examples from hospitals around the country as well as highlighting work in Minnesota.

**Access to Healthy Food: Challenges and Opportunities**

This document provides public health advocates, policymakers, and community organizers with an overview of key policy and legal strategies being pursued to reduce or prevent obesity by increasing access to healthy food.

**Healthy Vending and the Randolph Sheppard Act**
www.publichealthlawcenter.org/content/programs
Healthy Kids Challenge®
HCI Technical Assistance – Content

Making the Case and Taking Action
CDC Healthy Communities Program
Four Elements of Creating Local Policy

1. Assessing the policy landscape and selecting a policy objective. **PHLC**

2. Developing a strong base of support. **CCSR**

3. Supporting the case for implementation. **HKC**

4. Planning for policy implementation, monitoring, and enforcement. **HCI Communities + All TA**
Making the Case and Taking Action

Mobilizing Media and Community Members

- Messages and Campaigns → Facts and Hearts & Minds
- Events → To mobilize
Making the Case and Taking Action

Education and Advocacy
- Recognizing and removing barriers
Making the Case and Taking Action

• Education and Advocacy
  Win-wins
Making the Case and Taking Action

Education...Resources, Coordination and Collaboration

- SharePoint
- Webinars
- HCI Teams
- Kansas and National Resources
Questions?

www.publichealthlawcenter.org

Natasha Frost – Natasha.Frost@wmitchell.edu
Mary Marrow - Mary.Marrow@wmitchell.edu
Thank you!

Participant lines will now be un-muted for communities to share information and collaborate.

This process will take a few moments.

Please stand by....
Thank you!

We are unable to un-mute the phones. Please exit WebEx and use the following conference number

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Enter pass code 6445286 followed by #.