Model Ordinances:

Healthy Checkout and Keep Soda in the Soda Aisle

*Note: There are two model ordinances in this document. The first ordinance creates healthy checkout aisles. The second ordinance keeps soda in the aisle rather than the checkout and numerous other locations in grocery stores. These policies can be modified to meet your locality’s unique needs, but* ***please note that changes should be made with guidance from a lawyer. Also note that citations in the Findings section are for advocates’ reference but are generally not included in codes and should be removed in the final version of your legislation.***

**Healthy Checkout Ordinance**

**##.##. Findings.**

1. Eating a healthy diet—one that is rich in fruits, vegetables, and whole grains, and low in saturated fat, salt, and added sugar—is linked to a lower risk of cardiovascular disease, type two diabetes, certain cancers, and other health conditions.1
2. The safety of many low- and no-calorie sweeteners is questionable, especially for children.2,3,4 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.5
3. Grocery 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.6
4. Environments in which consumers make food choices affect those choices. The placement of unhealthy snack foods and sugar-sweetened beverages near the checkout registers at retail stores increases the likelihood that consumers will make unplanned purchases of unhealthy foods.7, 8
5. The placement of unhealthy snack foods and sugar-sweetened beverages at checkout, therefore, undermines public health initiatives and consumers’ desire to make healthy choices.
6. Providing customers with the choice to avoid undue pressure to purchase high-calorie, low-nutrient food and sugar-sweetened beverages when they shop is in the interest of the health, safety, and welfare of all who live, work, and do business in [CITY/COUNTY].

**##.##. Purpose.**

1. This ordinance aims to encourage healthy purchases and improve health in [CITY/COUNTY] by providing consumers with healthy products in checkout areas at Large Retail Stores in [CITY/COUNTY].

**##.##. Definitions.**

1. “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.
2. “Checkout Area” means an area that is accessible to a customer of the Large Retail Store that is:
3. Within [##] feet of any Register; or
4. 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.
5. “Checkout Endcap” means a product display placed at the endpoint of an area designated primarily for or used primarily by customers to wait in line to make a purchase.
6. “Healthy Checkout Areas Standards” means the standards for foods and beverages set forth in [HEALTHY CHECKOUT AREAS (A)-(C)].
7. “Large Retail Store” means a commercial establishment, within [CITY/COUNTY] limits, selling goods to the public with a total floor area of [##] square feet or more and selling [##] linear feet or more of foods and beverages.
8. “Low- and No-Calorie Sweetener” means a sweetener with few to no calories.
9. “Register” means a device used for monetary transactions that calculates the sales of goods and displays the sales amount for the customer.

**##.##. Healthy Checkout Areas.**

Each Large Retail Store shall at all hours during which the Large Retail Store is open to the public ensure that all foods and beverages displayed for sale in a Checkout Area meet the following standards:

1. Beverages with no Added Sugars and no Low- and No-Calorie Sweeteners.
2. Food items with no more than [5] grams of Added Sugars or [200] milligrams of sodium per labeled serving.
3. Food items must be in the following categories: fruit, vegetables, nuts, seeds, legumes, chewing gum and mints with no Added Sugars, yogurt, cheese, or whole grains.

[CITY/COUNTY ENTITY] shall conduct a bi-annual review of the Healthy Checkout Areas Standards. Changes to the Healthy Checkout Area Standards shall take effect [#] days after publication of such changes.

**##.##. Enforcement.**

1. The [CITY/COUNTY] is authorized to issue all rules and regulations consistent with this ordinance.
2. [CITY/COUNTY ENTITY] shall incorporate enforcement of this policy into existing inspections of Large Retail Stores.
3. The [CITY/COUNTY] may require reporting of information necessary to determine compliance with this Chapter.

**##.##. Violations – Penalties.**

1. A Large Retail Store found to be in violation of this Chapter may be subject to [PENALTY].

**##.##. Severability.**

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

**##.##. Effective Date.**

This ordinance and the legal requirements set forth herein shall take effect and be in force as of [DATE].

**Keep Soda in the Soda Aisle Ordinance**

**##.##. Findings.**

1. Eating a healthy diet—one that is rich in fruits, vegetables, and whole grains, and low in saturated fat, salt, and added sugar—is linked to a lower risk of cardiovascular disease, type two diabetes, certain cancers, and other health conditions.9
2. Frequent consumption of sugar-sweetened beverages is associated with health conditions such as type 2 diabetes, heart disease, kidney diseases, non-alcoholic liver disease, and tooth decay.10
3. The safety of many low- and no-calorie sweeteners is questionable, especially for children.11,12,13
4. 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.14
5. Grocery stores are Americans’ top source for food and beverages. More than 65 percent of Americans’ caloric intake comes from food items purchased at large grocery retailers.15
6. Environments in which consumers make food choices affect those choices.16,17 A recent pilot study conducted in the D.C. metropolitan area found sugar-sweetened beverages placed in an average of 30 locations and as many as 61 locations within one grocery store.18 In contrast, fresh fruits and vegetables are rarely found outside of the produce section.
7. Providing customers with the choice to avoid undue pressure to purchase sugar-sweetened beverages when they shop is in the interest of the health, safety, and welfare of all who live, work, and do business in [CITY/COUNTY].

**##.##. Purpose.**

1. This ordinance aims to encourage healthy purchases and improve health in [CITY/COUNTY] by limiting consumer exposure to sugar-sweetened beverages at Large Retail Stores in [CITY/COUNTY].

**##.##. Definitions.**

1. “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.
2. “Aisle Endcap” means a product display placed at the endpoint of an aisle that contains products for sale.
3. “Alcoholic Beverage” means a beverage regulated as alcohol under [CITY/COUNTY STATUTE].
4. “Keep Soda in the Soda Aisle Standards” means the standards for beverages set forth in [Keep Soda in the Soda Aisle (A)-(C)].
5. “Large Retail Store” means a commercial establishment, within [CITY/COUNTY] limits, selling goods to the public with a total floor area of [##] square feet or more and selling [##] linear feet or more of foods and beverages.
6. “Low- and No-Calorie Sweetener” means a sweetener with few to no calories.
7. “Refrigerated Beverages” means beverages that must be displayed for sale in refrigerators or freezers.

**##.##. Keep Soda in the Soda Aisle.**

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

1. Beverages with Added Sugars and/or Low- and No-Calorie Sweeteners may be displayed for sale in no more than one aisle within the store and in no more than two Aisle Endcaps connected to  that aisle.
2. Beverages with Added Sugars and/or Low- and No-Calorie Sweeteners shall not be displayed in any other locations within the store.
3. Refrigerated Beverages and Alcoholic Beverages are exempted from the above requirements.

[OPTIONAL: D. Foods and beverages sold in deli areas/in-store restaurants are exempted from the above requirements.]

[CITY/COUNTY ENTITY] shall conduct a bi-annual review of the Keep Soda in the Soda Aisle Standards. Changes to the Keep Soda in the Soda Aisle Standards shall take effect [#] days after publication of such changes.

**##.##. Enforcement.**

1. The [CITY/COUNTY] is authorized to issue all rules and regulations consistent with this ordinance.
2. [CITY/COUNTY ENTITY] shall incorporate enforcement of this policy into existing inspections of Large Retail Stores.
3. The [CITY/COUNTY] may require reporting of information necessary to determine compliance with this Chapter.

**##.##. Violations – Penalties.**

1. A Large Retail Store found to be in violation of this Chapter may be subject to [PENALTY].

**##.##. Severability.**

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

**##.##. Effective Date.**

This ordinance and the legal requirements set forth herein shall take effect and be in force as of [DATE].

***For more information, please contact the Center for Science in the Public Interest at policy@cspinet.org.***

* + - 1. USDA, HHS. *Dietary Guidelines for Americans 2020-2025*. 2020. <https://www.dietaryguidelines.gov/sites/default/files/2020-12/Dietary_Guidelines_for_Americans_2020-2025.pdf>
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      5. Center for Science in the Public Interest. Chemical Cuisine Ratings. 2022. <https://www.cspinet.org/page/chemical-cuisine-ratings>
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      7. Ejlerskov KT, et al. Supermarket policies on less-healthy food at checkouts: Natural experimental evaluation using interrupted time series analyses of purchases. *PLoS Med*. Dec 2018;15(12):e1002712
      8. Thornton, L.E., Cameron, A.J., McNaughton, S.A. et al. The availability of snack food displays that may trigger impulse purchases in Melbourne supermarkets. BMC Public Health 12, 194 (2012).
      9. USDA,2020
      10. CDC. Get the Facts: Sugar-Sweetened Beverages and Consumption. 2023. <https://www.cdc.gov/nutrition/data-statistics/sugar-sweetened-beverages-intake.html>
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      12. HER, 2019
      13. Baker-Smith, 2019
      14. Center for Science in the Public Interest, 2022
      15. USDA Economic Research Service, 2019.
      16. Ejlerskov, 2018.
      17. Thornton, 2012.
      18. Minovi D, Munch J, Snyder E. *Soda on Display: A Pilot Study of Sugary Drink Placement and Promotion in Grocery Stores in the Washington, DC Area*. 2021. https://www.cspinet.org/sites/default/files/2022-02/inStoreSSBAssessment\_2\_093021.pdf