

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND ADDING TO THE CITY OF RICHMOND MUNICIPAL CODE A NEW CHAPTER 7.112 (“HEALTHY RETAIL PLACEMENT AND CHECKOUT”) OF ARTICLE VII, REQUIRING RETAIL FOOD STORES TO ABIDE BY A “HEALTHY CHECKOUT” PROGRAM BY PLACING HEALTHY EATING OPTIONS AT POINTS OF SALE**

WHEREAS, the Richmond City Council, pursuant to police powers delegated to it by the California Constitution, has the authority to enact legislation that promotes the public health, safety, and general welfare of its residents; and

WHEREAS, in Richmond, unhealthy food and beverages are promoted repeatedly throughout stores. Snacks high in salt, saturated fat, and added sugars particularly dominate checkout aisles, which are designed to prompt impulse purchases; and

WHEREAS, such curated food environments in largely low income communities of color have been shown to contribute to health issues such as dental cavities, heart disease, and type 2 diabetes; these especially impacts families. 1 in 2 children of color in the US will be diagnosed with type 2 diabetes in their lifetime; and

WHEREAS, over at least the last two years, a Healthy Options at Points of Sale (“HOPS”) youth advocacy group has reviewed, made findings, and reported to the City Council policy options for improving community health by including more healthy food choices conveniently located at food retail points of sale and checkout aisles; and

WHEREAS, the HOPS youth advocates have recommended a “Healthy Checkout” program, which would require stores to increase access to healthier food options at checkout, thus supporting the health of the Richmond community; and

WHEREAS, Richmond Municipal Code Article VII addresses general and specific business regulations for the protection of public health, safety and welfare; and

WHEREAS, the City Council now, through this Ordinance, seeks to implement a “Healthy Checkout” program through the adoption of a new Chapter 7.112 of Article VII in the Richmond Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RICHMOND DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines that the foregoing Recitals are true and correct and incorporates the recitals herein.

**SECTION 2.** A new Chapter 7.112 (Healthy Retail Placement and Checkout) is hereby added to Article VII (Businesses) of the Richmond Municipal Code to read in its entirety as follows:

## **“Chapter 7.112 - HEALTHY RETAIL PLACEMENT AND CHECKOUT**

### **7.112.010- 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 environments in which food choices are made affect those choices. The placement of unhealthy snack foods and beverages near the checkout registers increase 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.
- C. Providing customers with the choice to avoid undue pressure to purchase high-calorie, low-nutrient food when they shop is in the interest of the health, safety, and welfare of all who live, work, and do business in Richmond.

### **7.112.020- Purpose.**

- A. The purpose of this Ordinance is to encourage healthy purchases and improve the health of Richmond by providing healthy alternatives to consumers in checkout areas and limiting consumer exposure to sugar-sweetened beverages and unhealthy foods at Small Retail Stores and Large Retail Stores in Richmond.

### **7.112.030- Definitions.**

- A. “Added Sugars” means sugars added during the processing of food 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. “Artificial Sweeteners” means sweeteners with few to no calories that have a higher intensity of sweetness per gram than sucrose.
- C. “Checkout Area” means any area that is accessible to a customer of the Retail Store that is:
  - 1. Within 3 feet in any direction of any Register; or
  - 2. 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. “Large Retail Store” means a commercial establishment selling goods to the public with a total floor area of 4001 square feet or more and selling 25 linear feet or more of food and beverage products.
- F. “Prepared Foods” refer to foods sold or served that are produced by the retailer for immediate consumption.
- G. “Register” means a device used for monetary transactions that calculates the sales of goods and displays the amount of sales for the customer.
- H. “Retail Store” means a commercial establishment selling goods to the public and selling 25 linear feet or more of food and beverage products.
- I. “Small Retail Store” means a commercial establishment selling goods to the public with a total floor area between 0 and 4000 square feet and selling 25 linear feet or more of food and beverage products.

**7.112.040- Healthy Checkout Area Standards.**

Each Retail Store shall at all hours during which the Retail Store is open to the public ensure that all food and beverage items displayed for sale in the Checkout Areas meet the following standards:

- A. Beverages with no Added Sugars and no Artificial Sweeteners.
- B. Beverages must be in the following categories: waters, milk and milk alternatives, 100% juice, coffee, and tea.
- C. Food items with no more than 5 grams of Added Sugars and 200 milligrams of sodium per labeled serving.
- D. Prepared foods are exempted from the above requirements.

The City of Richmond will conduct an annual review of qualifying food and beverage categories meeting the standards provided in this Section 7.112.040. There will be a 180-day phase-in period if changes to these healthy checkout area standards are made.

**7.112.050- Enforcement.**

- A. The City is authorized to issue all rules and regulations consistent with this Chapter.
- A. [HOW WILL COMPLIANCE BE ADMINISTERED, e.g. during regular inspections by Contra Costa Environmental Health of Retail Stores]

- B. The City may require information necessary to determine compliance with this Chapter.

**7.112.060- Violations; Penalties.**

- A. A Retail Store found to be in violation of this Chapter may be subject to citation procedures pursuant to **Chapter 1.04 of this Code.**
- B. This section shall not limit the City from recovering costs from implementing this Chapter or investigating complaints.
- C. Remedies and penalties under this chapter are cumulative and not exclusive.

**7.112.070- Effective Date.**

This Chapter and the legal requirements set forth herein shall take effect and be in force \_\_\_\_, 2025. Enforcement pursuant to 7.112.060 shall commence no sooner than \_\_\_\_, 2026.”

**SECTION 3.** This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common-sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action makes policy changes to the City’s rules and regulations pertaining to the display of foods in retail food markets to better protect the public health, safety and welfare.

**SECTION 4.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 5.** This Ordinance shall go into effect on the date stated in RMC Section 7.112.070.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Eduardo Martinez, Mayor

ATTEST:

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Pamela Christian, City Clerk

APPROVED AS TO FORM:

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David Aleshire, City Attorney