

# Healthy Food Retail Act

This Act directs the state department of agriculture and forestry to set up a financing program to stimulate investment in healthy food retail outlets in underserved areas of the state. The Act defines “Healthy food retailers” as for-profit or not-for-profit retailers that sell high quality fresh fruits and vegetables at competitive prices including but not limited to supermarkets, grocery stores, and farmers’ markets.

Submitted as:

Louisiana

[Act 252, Regular Session, 2009](#)

Status: Enacted into law in 2009.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “The Healthy Food Retail Act.”

2

3           Section 2. [*Definitions.*] As used in this Act, the following terms and phrases shall have  
4 the meanings hereinafter ascribed to them:

5           (1) “Funding” means grants, loans, or a combination of grants and loans.

6           (2) “Healthy food retailers” means for-profit or not-for-profit retailers that sell high  
7 quality fresh fruits and vegetables at competitive prices including but not limited to  
8 supermarkets, grocery stores, and farmers’ markets.

9           (3) “Program” means a public-private partnership established to provide a dedicated  
10 source of financing for food retailers that increase access to fresh fruits and vegetables and other  
11 affordable healthy food for residents of this state and managed by the state [department of  
12 agriculture and forestry].

13           (4) “Underserved community” means a geographic area that has limited access to healthy  
14 food retailers and is located in a lower-income or high-poverty area, or an area that is otherwise  
15 determined to have serious healthy food access limitations.

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17           Section 3. [*Program to Provide Grants and Loans to Food Retailers to Increase Access*  
18 *to Fresh Fruits and Vegetables in Underserved Communities.*]

19           (A) To the extent funds are available, the state [department of agriculture and forestry], in  
20 cooperation with public and private sector partners, shall establish a financing program that  
21 provides grants and loans to healthy food retailers that increase access to fresh fruits and  
22 vegetables and other affordable healthy food in underserved communities.

23           (B) The [department] may contract with one or more qualified nonprofit organizations or  
24 community development financial institutions to administer the program described in this  
25 Section through a public-private partnership, to raise matching funds, market the program  
26 statewide, evaluate applicants, make award decisions, underwrite loans, and monitor compliance  
27 and impact. The [department] and its partners shall coordinate with complementary nutrition  
28 assistance and education programs.

29           (C) The program shall provide funding on a competitive, one-time basis as appropriate  
30 for the eligible project.

31           (D)     (1) The program may provide funding for projects such as:

32 (a) New construction of supermarkets and grocery stores.  
33 (b) Store renovations, expansion, and infrastructure upgrades that improve  
34 the availability and quality of fresh produce.  
35 (c) Farmers' markets and public markets, food cooperatives, mobile  
36 markets and delivery projects, and distribution projects that enable food retailers in underserved  
37 communities to regularly obtain fresh produce.  
38 (d) Other projects that create or improve healthy food retail outlets that  
39 meet the intent of this Act as determined by the [department].  
40 (2) Funding made available for projects included in Subparagraph (1) of this  
41 Paragraph may be used for the following purposes:  
42 (a) Site acquisition and preparation.  
43 (b) Construction costs.  
44 (c) Equipment and furnishings.  
45 (d) Workforce training.  
46 (e) Security.  
47 (f) Certain pre-development costs such as market studies and appraisals.  
48 (g) Working capital for first-time inventory and start-up costs.  
49 (3) A restaurant is not eligible for funding under this Act.  
50 (E) An applicant for funding may be a for-profit or a not-for-profit entity, including but  
51 not limited to a sole proprietorship, partnership, limited liability company, corporation,  
52 cooperative, nonprofit organization, nonprofit community development entity, university, or  
53 governmental entity.  
54 (F) In order to be considered for funding, an applicant shall meet the following criteria:  
55 (1) The project for which the applicant seeks funding shall benefit an underserved  
56 community.  
57 (2) The applicant shall demonstrate a meaningful commitment to sell fresh fruits  
58 and vegetables, according to a measurable standard established by the [department].  
59 (3) Generally, the applicant shall accept Food Stamps (Supplemental Nutrition  
60 Assistance Program) and WIC (Special Supplemental Nutrition Program for Women, Infants and  
61 Children) benefits. For categories of applicants that are not eligible to accept Food Stamps or  
62 WIC benefits, an alternative standard shall be established by the [department] to demonstrate a  
63 meaningful commitment to make healthy food affordable to low-income households.  
64 (G) Applicants shall be evaluated on the following criteria in order to determine the  
65 funding awarded:  
66 (1) Demonstrated capacity to successfully implement the project, including the  
67 applicant's relevant experience, and the likelihood that the project will be economically self-  
68 sustaining.  
69 (2) The ability of the applicant to repay debt.  
70 (3) The degree to which the project requires an investment of public funding to  
71 move forward, create impact, or be competitive, and the level of need in the area to be served.  
72 Additional factors that will improve or preserve retail access for low-income residents, such as  
73 proximity to public transit lines, also may be taken into account.  
74 (4) The degree to which the project will promote sales of fresh produce,  
75 particularly fruits and vegetables grown in this state.  
76 (5) The degree to which the project will have a positive economic impact on the  
77 underserved community, including by creating or retaining jobs for local residents.  
78 (6) Other criteria the [department] determines to be consistent with the purposes  
79 of this Section.  
80 (H) The [department] shall establish program benchmarks and reporting processes to

81 make certain that the program benefits both rural and urban communities in this state. The  
82 [department] shall likewise establish monitoring and accountability mechanisms for projects  
83 receiving grants or loans, such as tracking fruit and vegetable sales data.

84 (I) The [department] shall prepare and submit an [annual] report to the [legislature] on  
85 any projects funded and outcome data.

86 (J) The [department] shall establish rules for the implementation of this Act in  
87 accordance with the [Administrative Procedure Act].

88

89 Section 4. [*Funds.*] Funds described in this Act, to the extent practicable, may be used to  
90 leverage other funding including but not limited to [state] [New Markets Tax Credits], federal  
91 and foundation grant programs, incentives available to designated [Enterprise Zones or Renewal  
92 Communities], operator equity, and funding from private sector financial institutions under the  
93 federal [Community Reinvestment Act].

94

95 Section 5. [*Severability.*] [Insert severability clause.]

96

97 Section 6. [*Repealer.*] [Insert repealer clause.]

98

99 Section 7. [*Effective Date.*] [Insert effective date.]