



NYU

**COLLEGE OF GLOBAL
PUBLIC HEALTH**

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Innovative Policy Ideas
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SNAP Retail Requirements

- SNAP Eligible Food: this is what beneficiaries can purchase (~anything but hot foods)
- What about Retailers?
- Retailers must sell a certain amount of staple and perishable foods to qualify

SNAP Retail Requirements

- 4 Categories of Staple Foods:
 - meat, poultry or fish
 - bread or cereal
 - vegetables or fruits
 - dairy products
- Perishable Foods:
 - Frozen/fresh/refrigerated staple foods that will spoil or suffer significant deterioration within 3 weeks

SNAP Retail Requirements

- Agricultural Act of 2014: New retail requirements
 - Draft regulation issued February 2016
 - Final rule issued at the end of 2016
 - Implementation expected end of 2017

USDA 2016 New Rule: Retailers

- Vendors can qualify to accept SNAP benefits in two ways:
 - Unchanged: 50% of all retail sales staple foods
 - Or NOW:
 - Sell 7 3 foods in each of the 4 staple food categories
 - including perishable foods in at least 3 2 of the staple food categories

New SNAP Retail Requirements

The Four Staple Food Categories: These four categories are: 1) vegetables or fruits; 2) dairy products; 3) meat, poultry, or fish; and 4) bread or cereals.

Apples, carrots, pears =	3 varieties
Chex, Cheerios, Froot Loops =	1 variety
Tomato sauce, tomatoes, tomato juice =	1 variety

New SNAP Retail Requirements

	NUMBER OF STAPLE FOOD CATEGORIES	NUMBER OF STAPLE FOOD VARIETIES PER CATEGORY	NUMBER OF STOCKING UNITS PER VARIETY	TOTAL NUMBER OF FOOD ITEMS REQUIRED
New Requirement	4	7	3	84
Proposed Requirement	4	7	6	168
Old Requirement	4	3	1	12

The Four Staple Food Categories: These four categories are: 1) vegetables or fruits; 2) dairy products; 3) meat, poultry, or fish; and 4) bread or cereals.

New SNAP Retail Requirements

1 Perishable in 3



Staple Food Category	Number of Varieties	Number of Units per Variety	Total Items per Category
Vegetables or fruits	7	3	21
Dairy products	7	3	21
Meat, poultry, or fish	7	3	21
Bread or cereals	7	3	21

84 stocking units

Evaluation Needed

- Purpose: Increase healthy food access
- Decrease SNAP retailers?
- Change purchasing?
- No retail requirements for remaining foods
 - Accessory Foods
 - e.g., soft drinks, coffee, candy

Address Nutrition in SNAP?

Supply and/or Demand

- Incentives to Participants
- Restrictions on Participants
- Incentives to Retailers
- Restrictions on Retailers

USDA Authority to Pilot Program

Congress allows the USDA to pilot projects to evaluate health and nutrition in SNAP

- The USDA shall carry out **pilot projects** to develop and test methods:
 - A. to use **SNAP to improve the dietary and health** status of SNAP households; and
 - B. **to reduce adult and childhood overweight, obesity** and co-morbidities.
- Must include rigorous independent evaluation

USDA Evaluated Pilots

- Healthy Incentives Program
 - Subsidizing fruits and vegetables = increase F&V
- SNAP Nutrition Education
 - = increase F&V
- Non-USDA studies too
 - E.g., Harnack et al. 2016
 - Pairing incentives for purchasing F&V with restrictions

Accelerating Policies and Research on Food Access, Diet and Obesity Prevention

- You can only make progress on policies in locations with authority to act
- Location matters
- A note about Preemption

Preemption

- Preemption= limits lower level government action
 - Federal/state limits state/local control
- Higher government should set minimum requirements
 - But states enacting preemption alone now

Local Governments

- The U.S. Constitution does not mention local governments
 - Local governments dependent on states for authority
 - Cannot always act
- Great diversity in state-local relations between, as well as within, states.

Preemption Increasingly Broad

Kansas (2016) law preempted all local authority to regulate:

- ALL food service operations and retail establishments
 - information
 - consumer incentive items
 - sale
 - address food-based health disparities

Recent Preemptive Legislation

State Preemption

Map of State Preemption of Local Paid Sick Days, Nutrition, and LGBT Non-Discrimination Laws



* Arizona has a form of "blanket" preemption. By notifying the state attorney general, a single legislator can freeze the transfer of state revenue-sharing funds to localities that adopt laws which "violate state law or the state constitution." Arizona has also adopted individual laws preempting local Paid Sick Days and nutrition preemption ordinances.

Public Health Typically Local

“Throughout our history, State and local governments have frequently protected health, safety, and the environment more aggressively than has the national Government.”

President Obama (2009)

Questions/Comments?

Thank you!

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