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To: Contra Costa County Board of Supervisors

From: Sefanit Mekuria, MD, MPH
Director of Public Health
Interim Director of Community Health and Safety Branch

Kristian Lucas, REHS
Director of Environmental Health

Re: Healthy Options at the Point-of-Sale Staff Report

Date: September 16, 2025

I. Background

On May 24, 2022, the Board of Supervisors (BOS) accepted a report from Contra Costa Health (CCH) Nutrition and Physical Activity Project (NPAP) staff and youth from Bay Area Community Resources (BACR) on the potential health benefits of Healthy Options at the Point-of-Sale (HOPS) Ordinance which would require the placement of healthy food options at the point of sale or checkout queues. Staff was directed to conduct additional research on this matter and to present their findings to the Family Human Services (FHS) Committee.

On February 27, 2023, the FHS Committee accepted a report from CCH and BACR regarding healthy food options at the point of sale. The FHS Committee directed staff to solicit feedback from the 32 unincorporated retailers that the proposed ordinance would directly impact and to return to the Board of Supervisors to present the findings.

On May 9, 2023, CCH and BACR staff were scheduled to present survey findings. While the BOS received the report, a presentation was impossible due to a full agenda and the youth's limited availability. However, it was noted that a significant number of the 32 unincorporated retailers had yet to respond to surveys disseminated to garner their input about the proposed healthy retail option ordinance. The BOS directed CCH NPAP staff to conduct a second survey to ensure that all those potentially affected by the proposed ordinance could learn more about it and ask questions. CCH staff implemented the surveys in August 2023 and held two town hall meetings for retailers in October 2023.

On March 25th, 2024, the FHS Committee accepted a report on the findings from the retail survey conducted by staff and their recommendations for further exploration of potential healthy food options at the point-of-sale ordinance. The FHS Committee directed CCH staff to return to the BOS and include in that presentation a map of the impacted stores and an update on the progress made by local

municipalities that have developed and implemented similar policies.

On November 05, 2024, the BOS accepted a staff report and directed CCH staff to work with County Counsel to draft an ordinance on healthy retail at the point of sale in stores greater than 2,000 square feet in unincorporated Contra Costa. The draft will be brought back before the Board of Supervisors for consideration and the nutrition standards for the proposed ordinance are as recommended: foods with five (5) or less grams of added sugar AND 200 mg or less of sodium per serving; gum and mints with no added sugar; beverages with no added sugar and no low- to no-calorie sweeteners.

On June 9, 2025, the FHS Committee approved a staff report updating activities conducted since November 2024. The committee directed CCH staff to research additional retail stores in unincorporated areas identified as "food deserts" to assess whether they would be required to follow the ordinance if it passes. CCH staff were also instructed to ensure the proposed ordinance aligns with policies under consideration by other local jurisdictions, including the City of Richmond.

This report provides updates on program activities and technical assistance with the City of Richmond since the June 9th FHS Committee meeting, as well as the collaborative efforts between County Counsel and Environmental Health to introduce draft Ordinance No. 2025-04 Article 413-3.22.

II. SNAP-Education for a Healthier Retail Environment

Increasing attention has been given to the role of retail food environments in shaping dietary behavior and obesity risk. Studies have shown an association between living in a neighborhood near healthy food options and better dietary quality, higher fruit/vegetable intake, and a lower risk of having a higher body weight, even after controlling for individual-level characteristics.¹

Current Supplemental Nutrition Assistance Program Education (SNAP-Ed) retail research indicates that food choices are significantly influenced by the environments in which they are made. Placing food and beverages at checkout induces unplanned purchases; thus, unhealthy checkout options undermine consumers' efforts to purchase healthier foods. Snacks near the register increase the likelihood that people will buy those foods. In addition, most candy, soda, and chips in checkout aisles are placed at eye level and within reach of children, undermining parents' efforts to provide their children with a well-balanced diet. In a national study, one in three adults reported purchasing food from the checkout aisle during their last shopping trip, with lower-income shoppers more likely to buy from checkout than higher-income shoppers.²

In Contra Costa County, the 2019 Kidsdata.org analyzed the FitnessGram Report and revealed that 24.5% of 5th and 27.2% of 7th-grade students are obese, with the highest obesity rates among children of color. Rates are highest among communities of color, with over 40% for African Americans, close to 50% for Hispanic and Latinos, and 60% for Native Hawaiian/ Pacific Islanders. While many factors contribute to poor nutritional health, research suggests that communities without access to grocery stores are at

¹ Pem D, Jeewon R. Fruit and Vegetable Intake: Benefits and Progress of Nutrition Education Interventions- Narrative Review Article. Iran J Public Health. 2015 Oct;44(10):1309-21. PMID: 26576343; PMCID: PMC4644575.

² Martin SS, Aday AW, Almarzooq ZI, et al.; American Heart Association Council on Epidemiology and Prevention Statistics Committee; Stroke Statistics Subcommittee. 2024 heart disease and stroke statistics: a report of US and global data from the American Heart Association. *Circulation.* 2024;149:e347–913.

higher risk of being overweight or obese, as they are often inundated with fast food restaurants and convenience stores that sell less nutritious foods. This combination is especially prevalent in low-income urban and communities of color, where fast and unhealthy foods are more readily available than nutritious options.³ Promoting SNAP-Ed healthy retail strategies at the point of sale would be a valuable tool to help improve the nutritional health of Contra Costa residents.

III. Current Activities

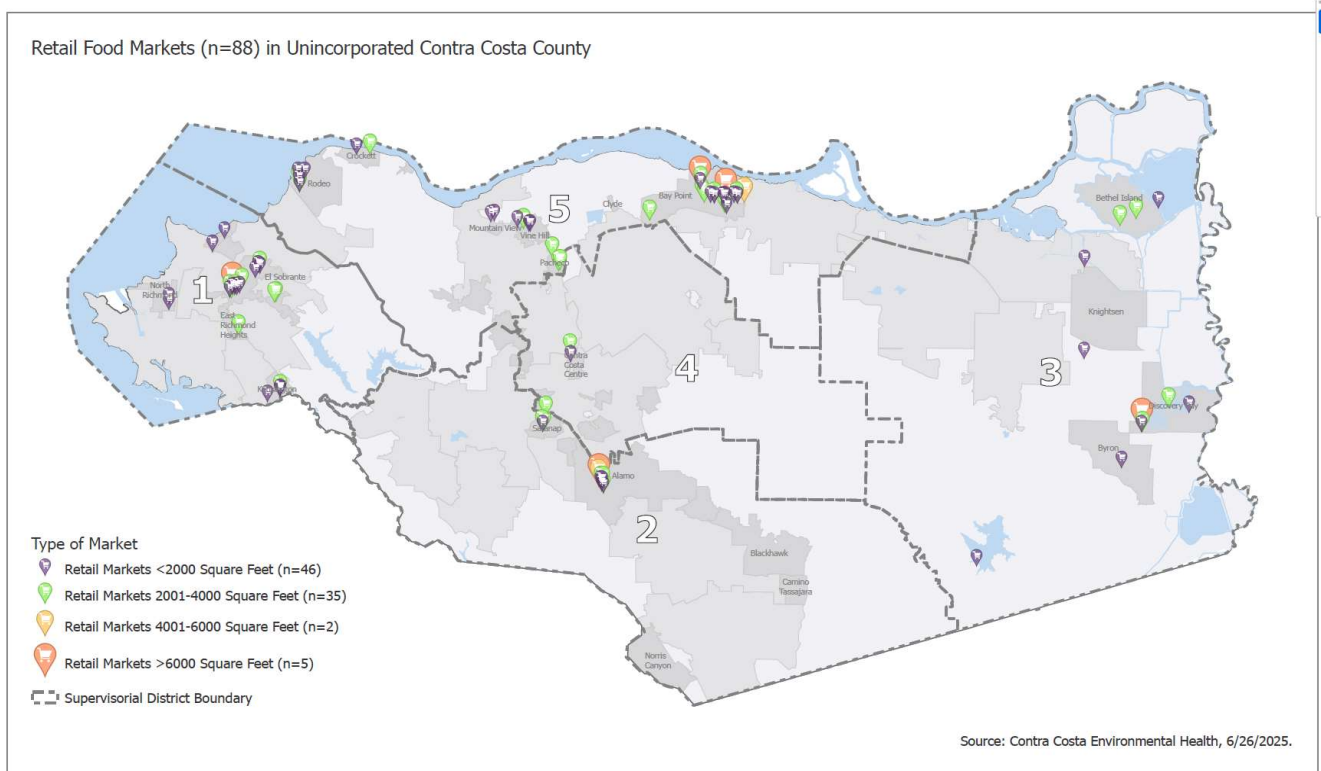
As directed by the BOS in November 2024, CCH Public and Environmental Health staff worked with County Counsel to develop draft language for an ordinance that would ensure the placement of healthy food and beverage options in the retail environment at the point of sale in stores greater than 2,000 square feet in unincorporated Contra Costa. In 2024, 32 retailers met the ordinance's 2,000 square feet or more in size within Contra Costa's District, including: (9) in District 1; (5) in District 2; (5) in District 3; (0) in District 4; and (13) in District 5. See Appendix A for the draft Ordinance No.2025-04 Article 413-3.22.

Concurrently, CCH staff provided evidence-based SNAP-Ed technical assistance on healthy retail best practices to local jurisdictions, both within and outside of Contra Costa, that expressed an interest in developing their own healthy retail policies. Recently, CCH staff have been providing technical support to the City of Richmond as they are beginning to draft their own healthy retail ordinance. CCH staff regularly attend monthly collaborative meetings with the City of Richmond to share updates and follow up on their steps in accordance with their jurisdiction. At the time of this report, the City of Richmond has not passed a healthy retail ordinance.

CCH staff provided an update regarding the above to the FHS Committee on June 9, 2025. Under the directive of the FHS Committee, CCH staff conducted an additional review of the retailers listed within the unincorporated county that are considered "food deserts" to assess if they are required to adhere to the ordinance if passed. During this review analysis, CCH staff found that, if the ordinance were to expand to meet all 88 retail outlets within the unincorporated communities, there would be an additional 46 stores that the passage of a healthy retail ordinance could impact. Furthermore, it should be noted that since CCH staff have conducted the initial assessment of the 32 retail outlets in 2024, an additional 10 retail stores have since opened their businesses since this process began and as such they were not included in initial outreach efforts to educate and inform them about the healthy retail ordinance or have the opportunity to provide input through the surveys and community forums that were held. The map on the next page shows the total number of markets within the unincorporated areas of the county, serving as a comparison to the current recommendations made by CCH.

³ Morland KB, Evenson KR. Obesity prevalence and the local food environment. *Health Place*. 2009 Jun;15(2):491-495. doi: 10.1016/j.healthplace.2008.09.004. Epub 2008 Oct 7. PMID: 19022700; PMCID: PMC4964264.


Below is a map of the stores in unincorporated Contra Costa. A list of these stores over 2,000 sq. ft. is provided in Appendix B.



CCH staff have continued to support and build deeper relationships with local retailers throughout Contra Costa as they seek to improve their stores' healthy retail environment. Additionally, the staff was responsible for at least one retailer securing an infrastructure grant to purchase an energy-efficient refrigeration unit, which allowed the retail owner to increase food access while also enhancing their ability to stock fresh produce, dairy, meat, and egg products.

CCH Public and Environmental Health's strong relationships with local retailers have been instrumental in the development of a draft ordinance that would ensure the placement of healthy food and beverage options in the retail environment. Working alongside County Counsel, draft Ordinance No.2025-04 Article 413-3.22 is to be presented to the BOS on September 16th, 2025. (See Appendix A)

These efforts were previously funded through the California Department of Public Health CalFresh Healthy Living (also known as the Supplemental Nutrition Assistance Program or SNAP-Ed) grant and the California Department of Food and Agriculture Healthy Refrigeration (CDFA) Grant. As a result of the SNAP-Ed resources provided by CCH staff, many of the retailers have increased their understanding of the critical role they play in helping to improve the health of the communities they serve. It should be noted, however, that with the passing of Congressional Bill H.R. 1, SNAP-Ed funding for the CCH Nutrition and Physical Activity Promotion Program has been eliminated, and the program will sunset on September 30, 2025. Future activities related to the dissemination of educational materials, as well as the



implementation and enforcement of the ordinance once passed, will be under the purview of Environmental Health.

IV. Next Steps

CCH Public and Environmental Health staff have established a three-step timeline, which includes the current first step. This step has been ongoing with CCH staff educating retailers about the health benefits of healthy retailing by utilizing SNAP nutrition education assistance and resources. Additionally, CCH staff will be introducing Ordinance No. 2025-04, Article 413-3.22, to the Board of Supervisors at the meeting on September 16, 2025. Thereafter, CCH staff will be prepared to follow any further direction from the BOS that results from this session.

The second step, which includes the 12-month pre-ordinance implementation period, commencing from the effective date of the ordinance, will be applied. During this time, retailers will be educated by CCH Environmental Health staff about the new policy and be provided with additional resources to prepare them for the enactment of Ordinance No. 2025-04, Article 413-3.22. Additionally, no penalty store evaluations or re-inspections will be conducted during this time. Finally, step three will initiate the enforcement stage, during which CCH Environmental Health staff will respond to complaint-based investigations, with reinspection fees as necessary.

An annual update will be prepared and submitted to the BOS to include the outcomes of Ordinance No. 2025-04 Article 413-3.22, upon its passage.

V. Recommendations

ACCEPT a report from Contra Costa Health (CCH) with updates on CCH staff activities related to retailer survey and development of an ordinance that promotes the placement of healthy food options at the point of sale in certain stores, since the last report at the November 5, 2024, Board of Supervisors meeting.

INTRODUCE Ordinance No. 2025-04, requiring large retail stores, over 2,000 square feet, within unincorporated Contra Costa County to stock healthy foods and beverages in checkout areas, **WAIVE** reading, and **FIX** October 7, 2025, for adoption.

APPENDIX A

Draft Ordinance No. 2025-04

ORDINANCE NO. 2025-04

ORDINANCE REQUIRING LARGE RETAIL STORES TO STOCK HEALTHY FOOD AND BEVERAGES IN CHECKOUT AREA

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. SUMMARY. This Ordinance adds Article 413-3.22 to the County Ordinance Code to require large retail stores within unincorporated Contra Costa County to stock healthy foods and beverages in checkout areas.

SECTION II. Article 413-3.22 is added to the County Ordinance Code to read:

413-3.2202 Purpose and Applicability.

- (a) The County of Contra Costa recognizes that poor nutrition is one of the leading causes of preventable and deadly illnesses, including obesity and diabetes, both of which are prevalent in the County. Diets with an excess of added sugars and sodium are correlated to adverse health issues. The County also recognizes that food and beverage choices are strongly affected by the environment in which they are made, and that the placement of unhealthy snacks and beverages near checkout at retail stores increases the likelihood that consumers purchase those unhealthy snacks. The purpose of this Article is to promote health and the general welfare of the community by requiring large retail stores to stock healthy food and beverage options in checkout areas.
- (b) The requirements of this Article apply within the unincorporated area of Contra Costa County. (Ord. 2025-04 § 2.)

413-3.2204 Definitions. For purposes of this Article, the following words and phrases have the following meanings:

- (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.
- (b) “Artificial sweetener” means a sweetener with few to no calories that has a higher intensity of sweetness per gram than sucrose.

- (c) “Checkout Area” means any area that is accessible to a customer of a large retail store that is either:
 - (1) Within three feet 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 a product display placed at the endpoint of an area designated primarily for or utilized primarily by customers to wait in line to make a purchase.
- (e) “Large retail store” means an establishment over 2,000 square feet within the unincorporated area of Contra Costa County that is subject to Section 413-3.604 of this code.
- (f) “Register” means a device used for monetary transactions that calculates the sales of goods and displays the sales amount for the customer. (Ord. 2025-04 § 2.)

413-3.2206 Healthy Checkout Areas.

A large retail store, at all hours while it is open to the public, must ensure that all food and beverages sold in its checkout areas fall within the following categories:

- (a) Foods with no more than five grams of added sugar and no more than 200 milligrams of sodium per labeled serving.
- (b) Gum and mints with no added sugars.
- (c) Beverages with no added sugar and no artificial sweetener. (Ord. 2025-04 § 2.)

413-3.2208 Enforcement.

- (a) For 12 months after the effective date of this ordinance, no fines or administrative penalties will be imposed under this ordinance. During this 12-month period, called the “implementation period,” the County:
 - (1) Will, upon request, educate and provide technical assistance to large retail stores, including providing guidance on nutrition standards; and
 - (2) Will not conduct any penalty inspections.

- (b) After the implementation period ends, the County will enforce this ordinance when it conducts inspections of large retail stores in accordance with Chapter 413-3. A large retail store shall allow access to its premises for inspections and violation reinspections for the purpose of verifying that it is operating in compliance with the requirements of this Article.
- (c) After the implementation period ends, the County may seek compliance with this Article by any remedy allowed under this code, including but not limited to, administrative fines ([Chapter 14-12](#)), suspensions and revocations (Article 413-3.14), and any other remedy allowed by law.
- (d) Inspection and violation reinspection fees will be in amounts established by the Board of Supervisors in the Health Services Department's fee schedule. (Ord. 2025-04 § 2.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective thirty (30) days after the date of its passage. Within fifteen (15) days after passage, this ordinance shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,

Clerk of the Board of Supervisors
County Administrator

Board Chair and

By: _____

Deputy

[SEAL]

APPENDIX B

Retail Food Markets >2000 sq. ft. in the Unincorporated County

BUSINESS NAME	STREET ADDRESS	CITY, STATE ZIP	PERMIT CATEGORY
RITE AID 5907	130 ALAMO PLZ	ALAMO, CA 94507	0617 - RETAIL MARKETS 4001-6000 SQ FT (RISK 1)
7 ELEVEN 14172D	1497 DANVILLE BLVD	ALAMO, CA 94507	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
SAFEWAY STORE 962	200 ALAMO PLZ	ALAMO, CA 94507	0618 - RETAIL MARKETS >6000 SQ FT (RISK 1)
CVS PHARMACY 9991	3158 DANVILLE BLVD	ALAMO, CA 94507	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
ALAMO LIQUORS	3168 DANVILLE BLVD STE A	ALAMO, CA 94507	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
WALGREENS 13026	2700 WILLOW PASS RD	BAY POINT, CA 94565	0618 - RETAIL MARKETS >6000 SQ FT (RISK 1)
CE 50147	1805 WILLOW PASS RD	BAY POINT, CA 94565	0617 - RETAIL MARKETS 4001-6000 SQ FT (RISK 1)
BEVERAGE HOUSE LIQUOR #15	211 PORT CHICAGO HWY	BAY POINT, CA 94565	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
LA CHICANA MARKET	2243 WILLOW PASS RD	BAY POINT, CA 94565	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
ABUELITAS MARKET	3165 WILLOW PASS RD	BAY POINT, CA 94565	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
COLONIAL ENEGRY LLC	3575 WILLOW PASS RD	BAY POINT, CA 94565	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
LA FIESTA MEXICANA MARKET INC	620 PORT CHICAGO HWY	BAY POINT, CA 94565	0618 - RETAIL MARKETS >6000 SQ FT (RISK 1)
7 ELEVEN 16693C	774 PORT CHICAGO HWY	BAY POINT, CA 94565	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
GATEWAY GAS AND MART, LLC	3615 GATEWAY RD	BETHEL ISLAND, CA 94511	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
BETHEL MARKET	6235 BETHEL ISLAND RD	BETHEL ISLAND, CA 94511	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
JA AJ CHEVRON	1001 WILLOW PASS CT	CONCORD, CA 94520	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
J & L MARKET	491 POMONA AVE	CROCKETT, CA 94525	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
SAFEWAY STORE 1917	14840 HIGHWAY 4	DISCOVERY BAY, CA 94505	0618 - RETAIL MARKETS >6000 SQ FT (RISK 1)
MICHAELS MARKET	1502 DISCOVERY BAY BLVD	DISCOVERY BAY, CA 94505	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
CVS PHARMACY 9565	14830 HIGHWAY 4	DISCOVERY BAY, CA 94514	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
LOOP CONVENIENCE STORE @ SHELL	3621 SAN PABLO DAM RD	EL SOBRANTE, CA 94803	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
DOLLAR TREE 06080	3730 SAN PABLO DAM RD	EL SOBRANTE, CA 94803	0618 - RETAIL MARKETS >6000 SQ FT (RISK 1)
JACKSONS FOOD STORES #203	500 APPIAN WY	EL SOBRANTE, CA 94803	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
APPIAN FOOD & LIQUOR	4247 APPIAN WY	EL SOBRANTE, CA 94803	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
J & A MARKET	5325 VALLEY VIEW RD	EL SOBRANTE, CA 94803	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
JAY VEE LIQUORS	3640 SAN PABLO DAM RD	EL SOBRANTE, CA 94803	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
GSS FOOD STOP	3800 SAN PABLO DAM RD # A	EL SOBRANTE, CA 94803	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
GOLDEN GATE PETROLEUM	5329 SAN PABLO DAM RD A	EL SOBRANTE, CA 94803	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
YOUNGS MARKET	285 ARLINGTON AVE	KENSINGTON, CA 94707	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
7 ELEVEN 23837D	4001 PACHECO BLVD	MARTINEZ, CA 94553	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
ONE STOP MARKET	5206 PACHECO BLVD	PACHECO, CA 94553	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
7 ELEVEN 2369 32993B	5844 PACHECO BLVD	PACHECO, CA 94553	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
A 1 LIQUOR & FOOD	81 CENTER AVE	PACHECO, CA 94553	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
COLONIAL ENERGY CE 50149	254 BAILEY RD	PITTSBURG, CA 94565	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)

ARLINGTON MARKET	6462 ARLINGTON BLVD	RICHMOND, CA 94805	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
PALM FOOD MARKET	640 PARKER AVE	RODEO, CA 94572	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
BEVBOX RODEO - HERCULES	386 PARKER AVE	RODEO, CA 94572	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
SUPER STOP	718 4TH ST	RODEO, CA 94572	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
GREEN FISH SEAFOOD MARKET	2251 OLYMPIC BLVD	WALNUT CREEK, CA 94595	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
OLYMPIC LIQUOR & GROCERY	2400 OLYMPIC BLVD 1	WALNUT CREEK, CA 94595	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
7 ELEVEN 16990G	1248 BOULEVARD WY	WALNUT CREEK, CA 94596	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)
7 ELEVEN 2365-29908C	3116 OAK RD STE G	WALNUT CREEK, CA 94597	0616 - RETAIL MARKETS 2001-4000 SQ FT (RISK 1)