

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
and County Administrator

Board Chair

By: _____

Deputy

[SEAL]