



Creating a Permit Program for Produce Cart Vendors

A Simple Way to Increase Access to Fruits and Vegetables

Federal guidelines recommend that adults, children, and adolescents eat at least five to nine servings of fruits and vegetables daily,¹ but most Americans are far from meeting this goal.² This is especially true in “food deserts,” neighborhoods that lack grocery stores and supermarkets. People of color, rural, and lower-income populations are more likely to live in food deserts,³ and studies show that obesity rates are generally higher in food deserts than in communities with easy access to a supermarket.⁴

A diet rich in fruits and vegetables helps to maintain a healthy weight and combats chronic diseases, such as diabetes, heart disease, stroke, and some cancers.⁵ NPLAN’s Model Produce Cart Ordinance is an efficient and low-cost way for a community to increase access to fresh fruits and vegetables.⁶

Candy, chips, soda, and other junk foods are readily available in almost every neighborhood. A local produce cart ordinance can help make it just as easy for families to buy fresh produce.

Local governments can make it easier for families to buy fruits and vegetables by establishing a streamlined permit program for retailers who sell fresh, uncut produce from a mobile cart. This fact sheet shows how NPLAN’s Model Produce Cart Ordinance can help bring more fresh produce to any neighborhood.



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How the ordinance works

NPLAN's model ordinance creates a streamlined permit program for "produce cart vendors," retailers who sell only fresh, uncut fruits and vegetables from a mobile cart, much like a produce stand on wheels. The ordinance sets forth the requirements for vendors, the rules for vending, and a range of incentives a local government may provide to encourage vendors to sell in neighborhoods that lack other sources of fresh produce.

Giving vendors priority consideration when applying for a permit, discount rates on permit fees, access to small business loans with low interest rates, as well as small business counseling and technical assistance, are some of the incentives suggested in the model ordinance.

Benefits of produce cart vending

Mobile food vendors can travel deep into neighborhoods most in need of fresh produce, and unlike supermarkets, they do not require large capital investments to start operations. Mobile vendors can also adjust their inventory quickly to fit the unique cultural demands of the community.

Establishing a permit program for produce cart vendors may also have economic benefits, providing local entrepreneurs with small business opportunities, and contributing to neighborhood economic development by revitalizing the street scene. In some places, produce cart vending might even be an avenue to promote agritourism by highlighting the unique offerings of the local agriculture to attract outside consumers.

Why only fresh, whole produce?

In most communities, state law regulates the health and sanitation requirements for most types of food sales, including mobile food vending. But in many states, the retail food code regulations exempt from regulation the sale of whole fresh produce from produce stands. NPLAN designed the Model Produce Cart Ordinance to take advantage of this exemption, by limiting sales to whole fresh produce so that communities in those states simply need to implement the local ordinance.

Because state law varies, it is important for individual communities to review their state retail food code before enacting the model ordinance to determine whether and how state law regulates whole fresh produce vending.

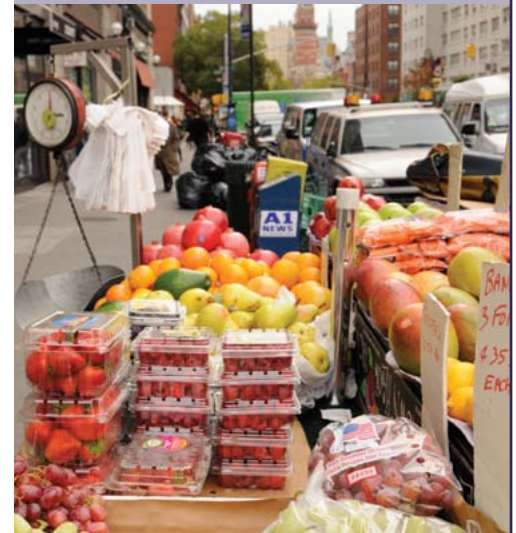
By establishing a streamlined permit program for produce cart vendors, communities can make it easier for residents to buy fresh fruits and vegetables for their families. NPLAN's Model Produce Cart Ordinance is a simple, cost-effective way for local government to make fresh produce – and the corresponding benefits of a healthy diet—more accessible.

Visit www.nplan.org to download NPLAN's Model Produce Cart Ordinance.

The National Policy & Legal Analysis Network to Prevent Childhood Obesity (NPLAN) is a project of ChangeLab Solutions. ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

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¹ U.S. Dep't of Health and Human Services, U.S. Dep't of Agriculture. *Dietary Guidelines for Americans 2005*. 2005, p. 2. Available at: www.healthierus.gov/dietaryguidelines.

² Kimmons J, Gillespie C, Seymour M, et al. "Fruit and vegetable intake among adolescents and adults in the United States: Percentage meeting individualized recommendations." *Medscape Journal of Medicine*, 11(1): 26, 2009.

³ Healthy Eating Research, *Bringing Healthy Foods Home: Examining Inequalities in Access to Food Stores: A Research Brief* (July 2008).

⁴ *Id.*

⁵ *Dietary Guidelines for Americans 2005*, *supra* note 1, at 24.

⁶ Other strategies to increase access to healthier foods, including fresh fruits and vegetables, are planting community gardens (*see* www.changelabsolutions.org/publications/ground-rules), advocating to attract supermarkets into underserved neighborhoods (*see* www.changelabsolutions.org/publications/getting-grocery), encouraging corner stores to sell fresh produce (*see* www.changelabsolutions.org/publications/health-on-the-shelf), and setting up farmers' markets (*see* www.changelabsolutions.org/publications/land-use-farmers-markets).