



Public Health
Law Center

AT WILLIAM MITCHELL COLLEGE OF LAW



Healthy Eating and Active Living Strategies: Recommended Kansas Specific Resources

January 22, 2015



Kansas Health Foundation



The Public Health Law Center



The Public Health Law Center



We do:

- Legal research
- Policy development
- Publications
- Trainings



We don't:

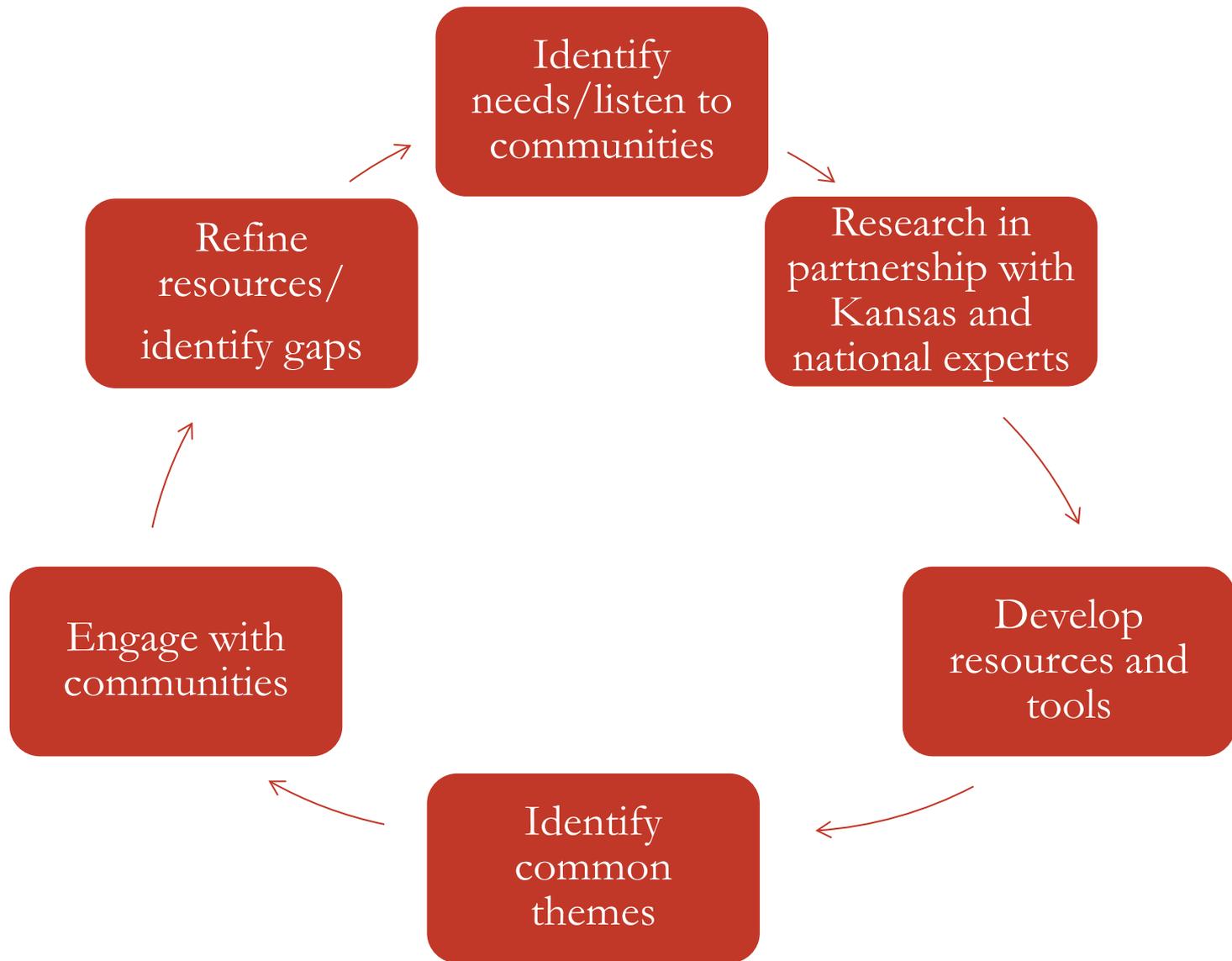
- Direct representation
- Lobby

Policy

Any **written** plan or course of action designed to **influence** and determine decisions



Evolution of PHLC Technical Assistance





Physical Activity and Healthy Eating Kansas Initiatives

Healthy Eating

- Healthy Vending Bids & Contracts
- Healthy Food Procurement Policy
- Food Policy Council
- Land Bank Policy
- Farmers' Markets
- Childcare
- Healthy Healthcare
- Farm to Fork Initiatives

Bicycle/Pedestrian Initiatives

- Comprehensive Plan
- Complete Streets Policy
- Master Bike/Ped plan
- Active Transportation Council
- Active Transportation Design Standards
- SRTS Crosswalk Policy

Kansas Specific Resources



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Improving health through the power of law

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Kansas Resources

The Kansas Health Foundation is a private philanthropy dedicated to improving the health of all Kansans. The Foundation is focused on preventing chronic disease and reducing health disparities through policy and systems change, leadership development, providing objective information regarding health, and building community capacity to address health issues.

The Public Health Law Center provides a range of legal technical assistance for the Foundation, its grantees and health partners to support progress toward healthy behaviors goals, including increasing physical activity, improving nutrition and reducing tobacco use.

The Public Health Law Center will focus its efforts on three large Foundation initiatives that are focused on policy and systems change: the Healthy Communities Initiative, the Statewide Partnerships for a Healthier Kansas Initiative and the Tobacco Free Kansas Coalition. The Public Health Law Center is also supporting other Foundation initiatives and is working with Foundation partners to promote health policy objectives in Kansas.

As part of this work, the Public Health Law Center will develop a series of Kansas-specific resources and trainings, as well as providing individualized legal technical assistance.

For more information, please contact Mary Marrow (mary.marrow@wmitchell.edu), Natasha Frost (natasha.frost@wmitchell.edu), or Julie Ralston Aoki (julie.ralstonaoki@wmitchell.edu).



Check Out Our [Kansas Farmers' Market Resources](#)

Interest in farmers' markets is growing across Kansas, with the number of these markets increasing more than four-fold in the past two decades. The growth of farmers' markets is closely tied to community efforts to support local producers (sources of fresh, local, and healthy foods) and grow local economies. The resources included in this guide provide direction to local communities seeking to support the development, growth, and success of local farmers' markets in Kansas.



Check out our [Kansas Bicycling and Walking Resources](#)

Kansas communities are taking action to promote health, prosperity, and economic vitality by increasing physical activity through bicycling and walking. These resources provide an overview of laws and policies impacting bicycling and walking to support these efforts



Drafting Effective Policies

Policy change is one way to support community efforts to increase access to healthy food and support active living efforts. But not all policies have the same force and effect. Written policies are more likely to weather leadership or management changes, and promote consistent implementation and enforcement. Written policies can help everyone understand both what is expected of them and how the policy will be applied

Types of Policies

- **Laws and regulations:** these are policies passed by elected officials or government agencies that influence behavior. They include constitutions, charters, statutes, codes, ordinances, resolutions, orders, agency regulations, and proclamations.
- **Guidance documents:** these are policies created by governmental bodies that interpret laws and regulations.
- **Organizational policies:** these are formal policies adopted by businesses, organizations, and government entities that address how they operate, and which may impact their employees, members, volunteers, or visitors on their property.

across a community, organization or department, which in turn can help promote a sense of fairness. Policies that are clearly understood and supported by community members are more likely to be self-enforcing, requiring less resources to monitor. This fact sheet provides checklists and tools to help readers understand the policy drafting process, and how to draft well-written policies that will help them achieve their public health goals.

This document includes three checklists that outline and illuminate the different steps, considerations, and elements that are required to draft an effective policy. These checklists are:

- 1 The Planning and Drafting Process
- 2 Elements of an Effective Policy
- 3 Policy Review: Cross the “T’s” and Dot the “T’s”

WHAT IS POLICY?

Any **written** plan or course of action designed to **influence** and determine decisions.



For more information,
watch this webinar:

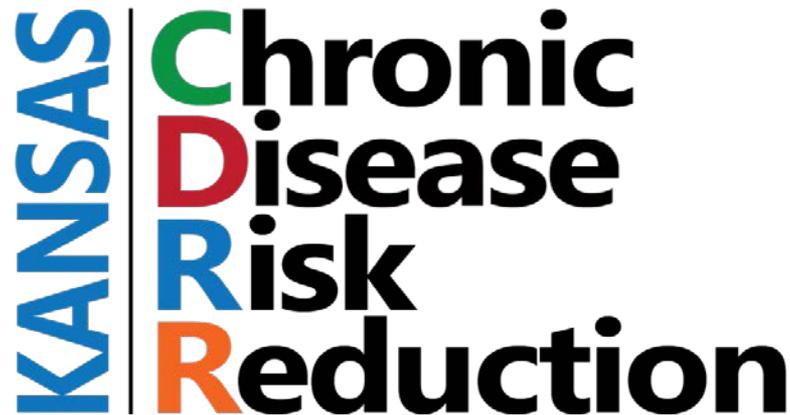
<http://kansashealth.org/media/video/Webinars/2945>

Or see this webpage:

<http://www.publichealthlawcenter.org/resources/food-policy-council-resources>

CDRR: Goal Area 4 (D.4)

Increase access to healthy foods and
physical activity





SOURCE: DOUGLAS COUNTY
FOOD POLICY COUNCIL



Drafting Food Council Bylaws

Community food councils examine the local food system and provide policy recommendations to improve that system. Food councils have proven to be an effective entity for reviewing and recommending state and local food policies. Food councils can be created by a private or public organization. Regardless of the structure, one of the first steps a food council can take is to draft and enact bylaws.

Bylaws are written rules that control the internal affairs of an organization.¹ Bylaws determine the rights and duties of members with reference to the internal governance of the council and the management of its affairs.² For example, many bylaws will state whether decisions require a vote, the frequency of meetings, and the term length of each council member. The creation and use of bylaws is important to being an effective council because bylaws will provide guidance, structure, goals, and priorities, which is especially vital for a newly formed council.

This resource addresses:

- What are bylaws?
- How will bylaws strengthen the goals and objectives of our council?
- What provisions should be included in bylaws?
- What do bylaws look like?



Drafting a Resolution to Create a Food Council

A community food council examines how the local food system operates, and provides policy recommendations to improve that system. A food council is often made up of a diverse group of community leaders for the purpose of improving the food system within a particular community.

Drafting a resolution through a food council is a useful tool that a local government can utilize to work with the community in policymaking and decision on complex issues. Food councils are a more commonly used and have proven to be an effective process for implementing and enacting state and local food policies.

A food council is set up or run exactly the same; however, it can be adapted to the specific needs of each community. That being said, a governing body can create existing committees and councils in order to determine the organizational structure of the entity. Additionally, a food council can have any name and that name can be changed to match goals or objectives of the community. The term "food council" will be used throughout this document.

This document is part of a series funded by the Kansas Health Foundation to increase the availability of healthy foods in Kansas.



What's in this document?

- How to draft a resolution
- Sample resolution
- Who should be a member
- Job description of a council coordinator
- Examples of existing resolutions

The Food System

Our food choices impact every aspect of our society and economy

How we currently get food from the farm to our plates is a mystery to many of us. Food distribution and procurement is a global system. It encompasses farmers, eaters, and all of the industries that link them together. Decisions are made every day by our local governments, businesses, and organizations that influence where our food is grown, how it is prepared, distributed, and served.

Local food systems are composed of all of the interdependent steps and actors that go into producing food that is grown and raised in a region. This includes planting, harvesting, storing, transporting, processing, packaging, and retailing of food.



Consumers seeking out locally grown food is an emerging trend in our region. From the phenomenal growth in farmers' markets in our country, to the growing interest in school gardens, to the restaurants and grocers selling local foods — members of our community care about what they eat and how it impacts the place they call home.

WELLNESS

The healthy (or not-so-healthy) foods we choose impact our individual health and can create burdensome healthcare costs for all.

EQUITY

Not all members of our community have equal access to healthy, quality foods — leaving them vulnerable to food insecurity and malnutrition.

ECONOMY

Where we buy food shapes our local economy. Buying locally-grown foods supports local farmers, and helps small and mid-sized agribusinesses create new jobs.

ENVIRONMENT

Food production and shipping can impact our landscapes and quality of life.



Using Local Government Policies to Increase Access to Healthy Food



Policy Options for Local Governments in Kansas

Increasing Access to Healthy Food

JANUARY 2015



- Resolutions
- Land Use Planning
- Zoning
- Property and Natural Resource Management
- Licensing and Use Agreements
- Governmental Bids, Contracts and Wellness Policies
- Unified School District Policies
- Other Policy Options

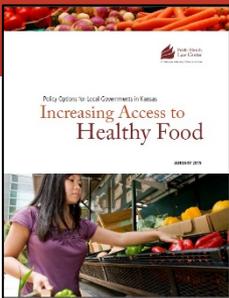
Healthy food and beverage policies and bids/RFPs



Key Elements of Healthy Food/Beverage Policies, RFPs, and Contracts

- Introduction to Healthy Food
- Statement of goals and purposes
- Nutrition Standards
- Local sourcing
- Percentage requirements
- Pricing requirements
- Product placement
- Use of promotional space
- Labeling





NUTRITION STANDARDS & PRODUCT PLACEMENT POLICY IN *Lawrence, Kansas*

The Lawrence Parks and Recreation Department adopted nutrition standards that have since been incorporated in its Request for Proposals (RFP) for vending and concession services at city recreational facilities. The RFP requires that 50% of the foods and beverages offered meet specific nutritional standards.⁴¹ These nutritional standards include limits on sugar and sodium content and a requirement that concessionaires offer at least one fresh fruit or vegetable.

In addition, products provided in vending machines and by concessions stands at city recreation facilities, golf courses, swimming pools, and parks must follow specific product placement requirements shown to promote consumption of healthier items over less healthy options.⁴²

NUTRITION STANDARDS FOR FOOD VENDORS AT THE FAIR IN *Riley County, Kansas*

The Riley County Fair Board included nutrition standards as part of its Request for Proposal for County Fair food stand managers during its 2014 County Fair. The RFP requires that products meeting the nutritional standards included in the RFP be sold at prices equal to or less than comparable products that do not meet the nutritional standards.⁴⁰

Definition of “healthy” in Riley County Fair RPF?



HEALTHY VENDING AND CONCESSIONS

Nutrition Standards for Kansas Communities

Marketing research shows that healthy food and beverage offerings are in demand. However sometimes, it is hard to know what the term “healthy” means. Marketers use that word in many different ways. While there is broad agreement among nutrition experts about what nutrition standards should include, there is still a lot of variation across model standards.

More than six different nutrition standards models were researched and compared to identify a recommended set of guidelines. The model by which these recommended guidelines are most closely aligned is that developed by the National Alliance for Nutrition & Activity (NANA). It is recommended based on the following criteria:

- The standards are developed by health experts using evidence based rationale. NANA Standards were developed by 450 health organizations. The steering committee includes the Academy of Nutrition and Dietetics, American Alliance for Health, Physical Education, Recreation and Dance, American Cancer Society, Cancer Action Network, American Diabetes Association, American Heart Association, American Public Health Association, Association of State Public Health Nutritionists, Center for Science in the Public Interest, National Association of Chronic Disease Directors, and Nemours.
- The standards can be used in multiple environments. The standards are closely aligned with proposed Smart Snacks in School, making it easier for vendors to obtain products to meet the needs of schools and other institutions and consistency of standards in multiple environments.
- The standards assure single serving portions. Other than the proposed USDA Smart Snacks for Schools, the NANA model is the only one that specifies calories per item or package which provides portion control. This eliminates the potential for multi-serving products which in reality often negate calorie standards.
- The standards exclude foods of minimal nutritional value. By specifying 10% DV of calcium, potassium, vitamin D, or fiber, or have fruit, vegetables, or whole grain, NANA standards eliminate the probably of food of minimal nutritional value meeting standards (such as candy).

A few minor revisions to the NANA Model have been made:

- Beverage standards include vegetable based beverages with added water.
- Nut butter is included as a snack food exception for fat and saturated fat.
- NANA guidelines were developed for vending items; however they have been applied to concessions serving snacks and a combination of single item entrees and sides as compared to a full meal, such as those served in a restaurant or cafeteria setting.



Healthier Beverage Policies & Drinks with Artificial Sweeteners

Hospitals implementing healthy beverage policies are replacing sugary drinks¹ with healthier beverage options in their vending machines, soda fountains, catering services and other food services. These institutions are quickly faced with questions about whether to include beverages that have been sweetened with artificial or non-caloric sweeteners. Tap water and unsweetened lowfat/nonfat milk are still the healthiest replacements for sugary drinks and contribute to the body's daily nutrient needs. Unsweetened coffee and tea, and 100% fruit or vegetable juices (in appropriate serving sizes and with sodium limits, as applicable) also rank high as healthy beverage options. A review of model beverage standards² reveals that many model

standards include another option — low or no calorie beverages, which may include so-called



The Public Health Law Center has created a series of resources designed to inform and support efforts to promote healthy beverage choices within workplace settings, with a special focus on healthcare. This fact sheet answers some of the commonly asked questions about artificial sweeteners.



Building Blocks for Success

A Guide For Developing Healthy Beverage Programs

There is no "one size fits all" approach to building a healthy beverage program. While the following are the typical components for effective programs, they can be tailored to fit the culture and goals of the organization. The other resources in this series are designed to support activities to implement these components. They also could be used to educate stakeholders about why and how healthy beverage programs are good for healthcare.

Convene a Healthy Beverage Workgroup

Beverage selections and procurement practices by healthcare facilities typically can involve administrative, legal, logistical and even emotional factors related to current beverage vendors and the selections they offer. This is why it is important

The Public Health Law Center has created a series of resources designed to inform and support efforts to promote healthy beverage choices within Minnesota workplace settings, with a special focus on healthcare. This guide describes the key components for successful healthy beverage programs.

Quick REFERENCE GUIDE

- Convene a healthy beverage workgroup
- Assess beverage availability and staff perspectives
- Develop a healthy beverage policy and program
- Engage senior management and key stakeholders
- Educate staff, visitors, and stakeholders
- Implement the policy
- Track progress
- Addressing and overcoming challenges
- Celebrate success



Hospitals Can Model Healthy Eating/Beverage Options
Healthier Choices Needed to Reduce Obesity

Learn From Others

The Food Service and Vending Guidelines (healthy food procurement) listserv is coordinated by the National Alliance for Nutrition and Activity, Public Health Law Center, and American Heart Association. On this listserv, people working to improve the nutritional quality of foods and beverages in public places can share challenges, successes, new resources, and ask questions to peers working on similar issues.

For more information, contact Julie Ralston Aoki at the Public Health Law Center, julie.ralstonaoki@wmitchell.edu or 651-290-7532.

Other Resources *Coming Soon*

- Key Components of a Healthy Vending and Concession Policy
- Setting Percentages and Benchmarks in Policy
- Menu Labeling in Vending Machines
- Randolph Sheppard Act in Kansas

Create new, and expand existing, farmers' markets



Legal Implications of Operating a Farmers' Market



- Advertisements & promotions
- Fees
- Hrs of Operation
- Tax Deductions
- Retail tax
- Pets
- Liability
- Use of land
- Signage
- Food establishments
- License or permit to operate
- Food safety
- Certified kitchens
- Eggs
- Alcohol sales
- Parking & accessibility
- Processed & prepared foods
- Liability
- Inspections

Levels of Regulation

Federal



Federal Meat
Inspection Act

State



2012 Kansas
Food Code

Local



Organized Farmer's
Markets; License
Requirements (Sec. 3.94.030
of Wichita Code).

Vendor &
Market
Rules



KCK Green Market
Guidelines



Farmers' Market Resources

- A Guide to Operating Farmers' Markets in Kansas
- State Laws Impacting Farmers' Markets in Kansas
- Local Government Regulation of Farmers' Markets in Kansas
- Farmers' Market Vendor and Market Rules
- Organizational Structure of Kansas Farmers' Markets

Available at: <http://www.publichealthlawcenter.org/resources/kansas-farmers-market-resources>

A Guide to Operating Farmers' Markets in Kansas

Income in farmers' markets is growing across Kansas, with the number of these markets increasing more than fourfold in the past two decades. The growth of farmers' markets is closely tied to community efforts to support local producers (sources of fresh, local, and healthy food) and good economic. The resources included in this guide provide direction to local communities seeking to support the development, growth, and success of local farmers' markets in Kansas.

Why is this information important?

Certain laws and policies may strengthen and encourage the operation of farmers' markets within a Kansas community, while others can hinder or hinder the success of a market. As the needs of each farmers' market vary based on the community's needs, there is not a one-size-fits-all approach to operating a farmers' market or implementing local ordinances supporting these markets. Understanding the regulatory environment of a community's market can help identify potential policy changes or support a community to anticipate the needs of a new or existing market.

This document is part of a series funded by the Kansas Health Foundation to ensure the availability of healthy food in Kansas.

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State Laws Impacting Farmers' Markets in Kansas

State laws can impact what happens to food as it travels from the farm to a consumer shopping at a farmers' market in Kansas. From the House Legislature to the Kansas Department of Agriculture, several state government bodies have roles in creating policy that will impact the cost, availability, and quality of products eventually reaching the consumer. It may be intimidating to consider how these laws may impact your farmers' market. Understanding how state laws impact a farmers' market will help ensure that your community farmers' market follows state law and optimizes state programs promoting farmers' markets, while also making your market a safe place for vendors and consumers.

What is this?

This resource identifies key Kansas state laws that may impact local farmers' markets. In the following chart, please note that not every state law impacting farmers' markets is included. The full-text table of the chart summarizes the general content of the specific law listed; the right-hand side provides the legal citation. This document is meant to be used as a companion piece to "Local Government Regulation of Farmers' Markets in Kansas" and "Farmers' Market Vendor and Market Rules."

What do you need?

Review the laws in the chart. For the actual regulatory language, please visit the [legislation](#) link. The Kansas Department of Agriculture also has several resources addressing different state laws impacting farmers' markets, available at [this link](#).

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Local Government Regulation of Farmers' Markets in Kansas

The growth of farmers' markets in Kansas is closely tied to community efforts to support local producers and grow local economies, while also providing an important source of fresh, local, and healthy foods. Understanding the laws and policies impacting farmers' markets is critical to ensure market success and safety.

Local governments regulate farmers' markets in different ways, depending on the needs of their communities. Some local governments use very specific language and regulatory provisions to address the unique attributes of farmers' markets, while others include farmers' markets in broader regulatory language, regulating farmers' markets in the same way that other types of food establishments or businesses are regulated. Notably, certain laws and regulations may strengthen and encourage the operation of farmers' markets within a certain community, while others hinder or hinder the prosperity of farmers' markets.

What is this?

This resource provides a guide for those interested in working with local Kansas governments to use local laws to enhance and support the growth and vitality of local farmers' markets. Please consider the questions posed in the guide in order to understand

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Farmers' Market Vendor and Market Rules

Farmers' markets often have handbooks or specific rules for vendors that guide market operation. These requirements, however, vary greatly between different markets, depending on the unique characteristics of a specific market, as well as the needs of the individual vendors and local communities involved.

What is this?

This movement of vendor and market rules provides a variety of public access locations in Kansas, including urban and rural communities, as well as both private and public markets. This resource provides a checklist and guide for those interested in working with local Kansas communities to establish a new market or support the development of an existing farmers' market.

How should this information be used?

This information provides a general guide to the different operational rules a farmers' market might want to consider for the market, recognizing that each community will need to evaluate how best to support its market based on its own unique local and local context. This information can be used to facilitate a conversation about the current state of a community farmers' market and develop potential goals and

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Organizational Structure of a Farmers' Market

Kansas State Registration, Non-Profit Status, & Tax Exemptions

As farmers' markets continue to grow and evolve in Kansas, many markets are considering how to best structure their operations for liability, governance, and tax purposes. The organizational structure of a farmers' market impacts how federal, state, and local governments treat that market. This resource provides information on organizational considerations a Kansas farmers' market may want to evaluate, including:

- Participating in the Current Registration of Kansas Farmers' Markets;
- Applying for Non-Profit Status under Kansas Law; and
- Seeking federal and state tax exemptions.

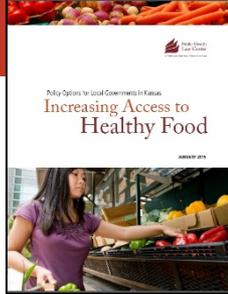
Navigating non-profit status and tax exemptions can be complicated because the rules and processes are extremely fact-specific to the organization. The information provided in this resource is merely an introduction to these areas and is not meant to provide a legal consultation.

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Promote and support farm-to-school and farm-to-institution programs and policies





LOCAL PURCHASING PREFERENCE POLICIES

Local governments can include health goals in their procurement practices through a local purchasing preference policy. A local purchasing preference policy requires that food or agricultural products that are produced “locally” receive some sort of preference. These policies can be tailored to promote purchases of local, healthy food in several different ways.

LOCAL PURCHASING PREFERENCE ORDINANCE IN *Cleveland, Ohio*

The City of Cleveland, Ohio, passed a local purchasing preference ordinance that gives a bid discount of 2% to a bid received from a local-food producer, as well as other sustainable and local businesses.

The ordinance recognizes that “the Greater Cleveland region has a vibrant manufacturing, industrial, and food production history and we are continuing to strengthen our local economy by supporting local producers.”⁴³

LOCAL PURCHASING PREFERENCE POLICY IN *Hutchinson, Kansas*

The City of Hutchinson has a local preference policy. A vendor domiciled inside Reno County, the county that Hutchinson sits within, may be selected as the preferred vendor so long as several conditions are met.⁴⁴

Feeding Kansas

Statewide Farm & Food System Assessment with a Plan for Public Action



November 2014



Farm to Child Care Year-Round

Click on text below to access links to additional information.



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The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice. For specific legal questions, please consult with an attorney.



Other Resources *Coming Soon*

- Increasing Farm to Institution Brief
- Land Bank
- Food Donation
- Legal Issues with Local Purchasing Policies in Kansas
- Community Health Needs Assessments in Kansas Chart

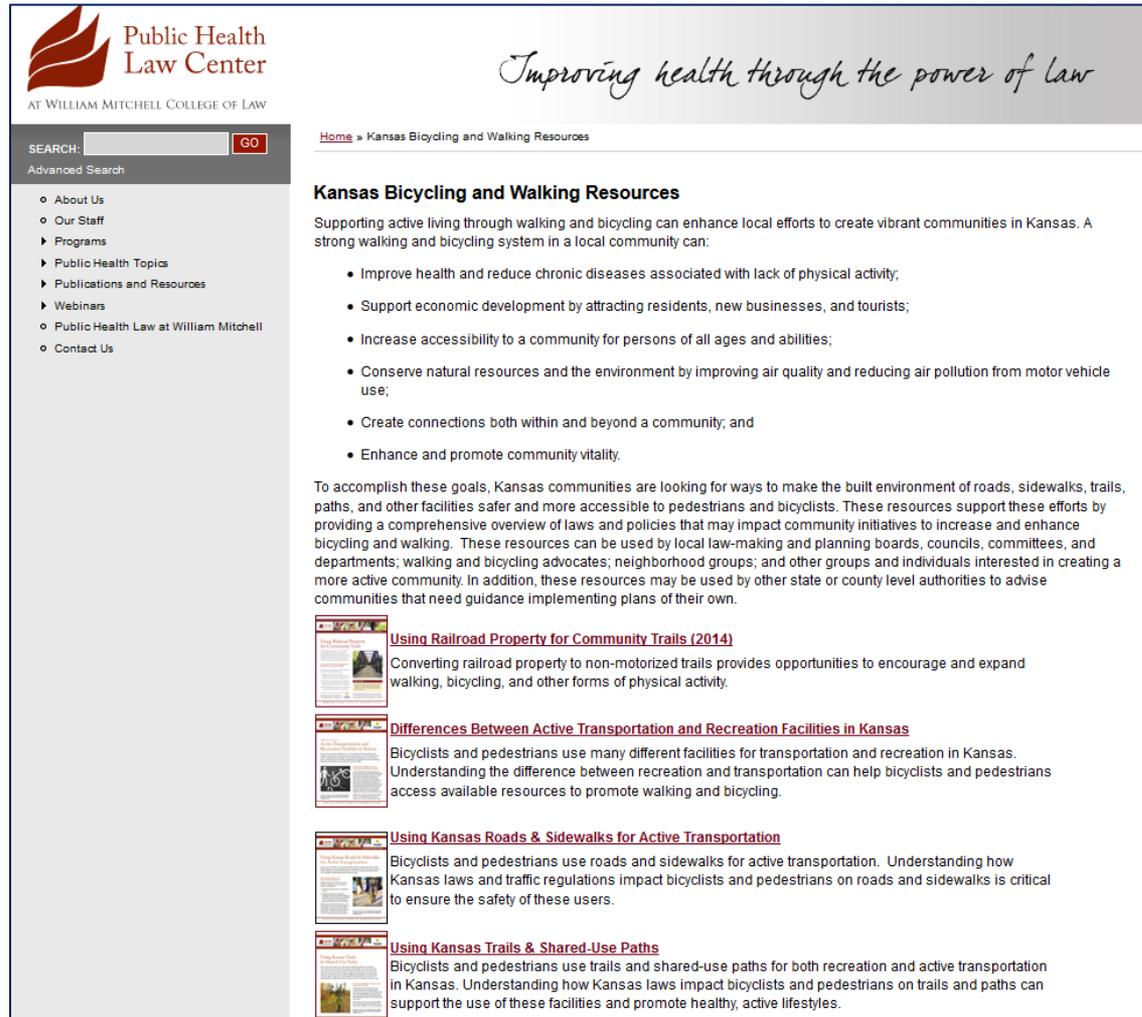
Using Local Government Policies to Support Walking and Biking



- Complete Streets policies
- Master bike/walk transportation plans
- Bike/walk planning advisory committees



Kansas Bicycle and Pedestrian Resources



The screenshot shows the Public Health Law Center website. The header includes the logo and the text "Public Health Law Center AT WILLIAM MITCHELL COLLEGE OF LAW". A navigation menu on the left lists various sections. The main content area is titled "Kansas Bicycling and Walking Resources" and features a list of resources with brief descriptions and thumbnail images.

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Improving health through the power of law

Home » Kansas Bicycling and Walking Resources

Kansas Bicycling and Walking Resources

Supporting active living through walking and bicycling can enhance local efforts to create vibrant communities in Kansas. A strong walking and bicycling system in a local community can:

- Improve health and reduce chronic diseases associated with lack of physical activity;
- Support economic development by attracting residents, new businesses, and tourists;
- Increase accessibility to a community for persons of all ages and abilities;
- Conserve natural resources and the environment by improving air quality and reducing air pollution from motor vehicle use;
- Create connections both within and beyond a community; and
- Enhance and promote community vitality.

To accomplish these goals, Kansas communities are looking for ways to make the built environment of roads, sidewalks, trails, paths, and other facilities safer and more accessible to pedestrians and bicyclists. These resources support these efforts by providing a comprehensive overview of laws and policies that may impact community initiatives to increase and enhance bicycling and walking. These resources can be used by local law-making and planning boards, councils, committees, and departments; walking and bicycling advocates; neighborhood groups; and other groups and individuals interested in creating a more active community. In addition, these resources may be used by other state or county level authorities to advise communities that need guidance implementing plans of their own.

Using Railroad Property for Community Trails (2014)
Converting railroad property to non-motorized trails provides opportunities to encourage and expand walking, bicycling, and other forms of physical activity.

Differences Between Active Transportation and Recreation Facilities in Kansas
Bicyclists and pedestrians use many different facilities for transportation and recreation in Kansas. Understanding the difference between recreation and transportation can help bicyclists and pedestrians access available resources to promote walking and bicycling.

Using Kansas Roads & Sidewalks for Active Transportation
Bicyclists and pedestrians use roads and sidewalks for active transportation. Understanding how Kansas laws and traffic regulations impact bicyclists and pedestrians on roads and sidewalks is critical to ensure the safety of these users.

Using Kansas Trails & Shared-Use Paths
Bicyclists and pedestrians use trails and shared-use paths for both recreation and active transportation in Kansas. Understanding how Kansas laws impact bicyclists and pedestrians on trails and paths can support the use of these facilities and promote healthy, active lifestyles.

<http://www.publichealthlawcenter.org/resources/kansas-bicycling-and-walking-resources>

Bicycle and Pedestrian Tools

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Drafting Effective Policies

Policy change is one way to support community efforts to increase access to healthy food and support active living efforts. But not all policies have the same force and effect. Written policies are more likely to weather leadership or management changes, and promote consistent implementation and enforcement. Written policies can help everyone understand both what is expected of them and how the policy will be applied

across a community, organization or department, which in turn can help promote a sense of fairness. Policies that are clearly understood and supported by community members are more likely to be self-enforcing, requiring less resources to monitor. This fact sheet provides checklists and tools to help readers understand the policy drafting process, and how to draft well-written policies that will help them achieve their public health goals.

Types of Policies

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- Guidance documents:** these are policies created by governmental bodies that include laws and regulations.
- Organizational policies:** these are formal policies adopted by businesses, organizations and government entities that address how they operate, and which may impact their employees, members, volunteers, or visitors.

Public Health Law Center 875 Summit Avenue

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KANSAS BICYCLING AND WALKING

Using Kansas Roads & Sidewalks for Active Transportation

Kansas roads and sidewalks are transportation facilities designed to support many types of traffic. Understanding the laws governing how bicyclists and pedestrians fit into the Kansas transportation system is important to support the safety of all users. The Kansas transportation system includes roads; sidewalks and other facilities, such as railroad crossings.

Pedestrian and Bicycle Use of Kansas Roads and Sidewalks

Pedestrian and bicycle use of Kansas roads and sidewalks is supported by and incorporated into Kansas law in several ways:

- Directly through specific bicycle and pedestrian laws; and
- Indirectly through Kansas court opinions interpreting and discussing the rights of pedestrians and bicyclists to use the road and the responsibilities of motor vehicle drivers to respect the rights of pedestrians and bicyclists on roads and sidewalks.

While Kansas traffic laws primarily focus on roads and sidewalks, Kansas law also identifies rights and responsibilities of transportation users, including but not limited to pedestrians, bicyclists, and motor vehicle drivers, on other transportation facilities such as crosswalks and intersections (usually part

This fact sheet is part of a series funded by the Kansas Health Foundation to increase physical activity through walking and bicycling in Kansas.

Public Health Law Center 875 Summit Avenue St. Paul, Minnesota 55105 www.publichealthlawcenter.org 651.290.7506

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KANSAS BICYCLING AND WALKING

Using Railroad Property for Community Trails

Converting railroad property to non-motorized trails provides opportunities to encourage and expand walking, bicycling, and other forms of active transportation and recreation. Using railroad property in this way can benefit both the communities in which the trails are located and the railroad carrier.

Q: What are the benefits of using railroad property for non-motorized trails?

A: Converting railroad property to community trails can benefit communities by providing:

- Additional access to other parts of the transportation system and community without the additional cost of developing new rights-of-way.
- An option for community members to engage in a healthy, environmentally friendly, and economical mode of transportation in lieu of motor vehicles.
- Scenic settings for physical activity as many railroads are located along rivers, valleys, and rolling hills.

RIGHT-OF-WAY

"Right of way" is the legal right of passage and that is construct

This information is for informational review of railroad property

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Public Health Law Center 875 Summit Avenue St. Paul, Minnesota 55105

Public Health Law Center
AT WILLIAM MICHIELL COLLEGE OF LAW

KANSAS BICYCLING AND WALKING

Using Kansas Trails & Shared-Use Paths

Trails and shared-use paths are two of the primary facilities that pedestrians and bicyclists use for both recreation and transportation purposes. These facilities can be located in national, state, and local parks; along rivers, mountains, valleys, forests, fields, roads, and railroads; and in both urban and rural areas. Trails and shared-use paths also often connect communities. Those using trails and shared-use paths must follow established rules and behaviors, also called "rights and responsibilities." These rights and responsibilities lend predictability to trail and path use, supporting safety and efficiency regardless of the type of user or the condition of the trail or path.

Q: What is the difference between a trail and a shared-use path?

A: The terms "trail" and "shared-use path" may be used to refer to the same facility in general conversation. However, care should be taken in using these terms interchangeably, as "trail" may be used for an unimproved recreation facility, while the term "shared-use path" may indicate a more developed path that is paved.

While Kansas state law does not specifically define "trail" or "shared-use path," the Kansas State Trails Plan includes a definition of a trail, and many federal

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KANSAS BICYCLING AND WALKING

Differences between Active Transportation and Recreation Facilities in Kansas

Transportation and recreation facilities (such as roads, sidewalks, and trails) provide bicyclists, pedestrians, and other non-motorized transportation and recreation users with the opportunity to recreate; be physically active; and engage in active, healthy, and relaxing ways to travel from one place to another. National, state, and local governments often support these activities by developing, expanding, and improving roads, sidewalks, trails, and other facilities.

Q: Why does the difference between transportation and recreation matter?

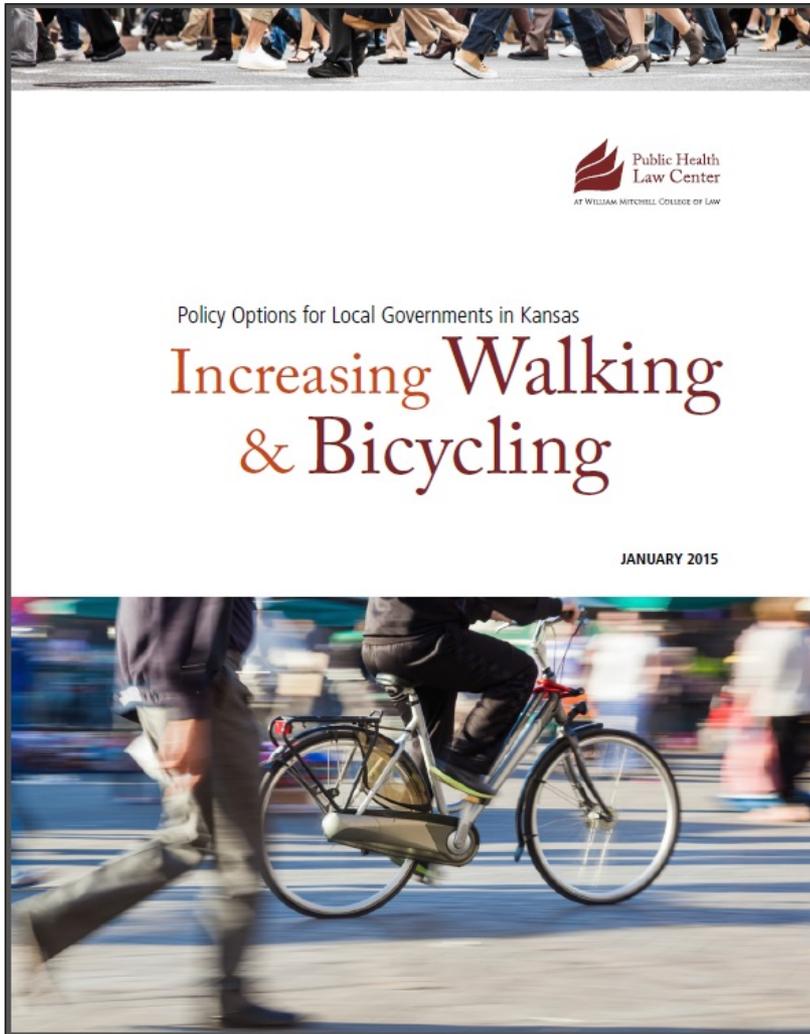
A: Practically, bicyclists and pedestrians may not think of transportation and recreation differently since transportation (traveling from one place to another) and recreation (activities done for enjoyment) often overlap. However, understanding the legal distinction and relationship between transportation and recreation can be important to the success of active transportation and recreation initiatives because this distinction often determines what laws govern a particular type of facility or activity; the kind of funding available; and the entity responsible for developing, constructing, and maintaining the facility.

Different laws may apply to transportation facilities such as roads and sidewalks versus recreation facilities such as trails. For example, Kansas traffic

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Using Local Government Policies to Support Walking and Biking



- Resolutions
- Local Government Agreements
- Land Use Planning
- Zoning
- Transportation Facility Design and Traffic Control
- Taxing Policies
- Unified School District Policies
- Other Policy Options

Understanding Your Local Environment

Understanding your local environment is essential to developing and implementing meaningful policy change that increases bicycling and walking. Here are some key considerations:

- What component of the transportation system can you impact?
- What exists in your community that could be modified or strengthened?
- What policies and/or strategies do you want to pursue?
- What are possible obstacles?
- What are the tools available to help?
- What barriers currently keep your community members from bicycling and walking?



COMPLETE STREETS refers to roadways that are designed for safe travel along and across the road for all users of all abilities and modes, including motorized vehicles, bicyclists, and pedestrians.⁴

COMPLETE STREETS RESOLUTION IN *Leawood, Kansas*

The Governing Body of the City of Leawood, Kansas, passed a resolution supporting complete streets. This resolution directed staff from several city planning boards and committees to include performance measures and implementation strategies to allow the Leawood transportation system to become more accessible for all users. This policy promotes public health, enhanced connectivity, and more livable communities by ensuring a variety of travel options that allow safe, convenient, and balanced transportation choices.⁵

COMPLETE STREETS RESOLUTION IN *Topeka, Kansas*

The City Council of Topeka, Kansas, passed a complete streets resolution providing direction to integrate design principles promoting a "safe network of access for pedestrians, bicyclists, motorists and transit riders of all ages and abilities in future construction or reconstruction of city rights-of-way to the extent financially feasible." This policy promotes walking, bicycling, and transit use to increase the general safety and welfare of Topeka's citizens.⁶



LiveWell Finney County

**Healthy Community
Design Summit**

Featuring Mark Fenton

Tuesday, February 3, 2015

Clarion Inn, 1911 East Kansas Ave
Garden City, Kansas

**LET'S GET
MOVING!**



Resources in development.....

- Understanding Kansas Sidewalks

Looking forward – new areas to explore

- Implementing bike/ped policy initiatives – making policies alive in your communities by policy change with programs and the community change model
- Other areas of interest/needing assistance?

PHLC Resources

What do resources do?

- Answer common questions
- Provide direction
- Give concrete examples of how different initiatives have been approached
- Identifies additional resources
- Provides legal context re: impact of Kansas laws
- Gives common language to discuss efforts
- Provide sample language

How can I use a resource?

- Frame conversation at leadership meetings
- Share with community partners and stakeholders to build support
- Educate decision makers
- Develop talking points for presentations
- Create messaging for community outreach

Community Use of School Property



FINDING SPACE TO PLAY



8/13/2013

IN CITY OF PHOENIX ELEMENTARY SCHOOLS

A look at school policies and practices promoting physical activity through shared use within the 21 elementary school districts in the City of Phoenix, Maricopa County, Arizona.



Finding Space to Play:

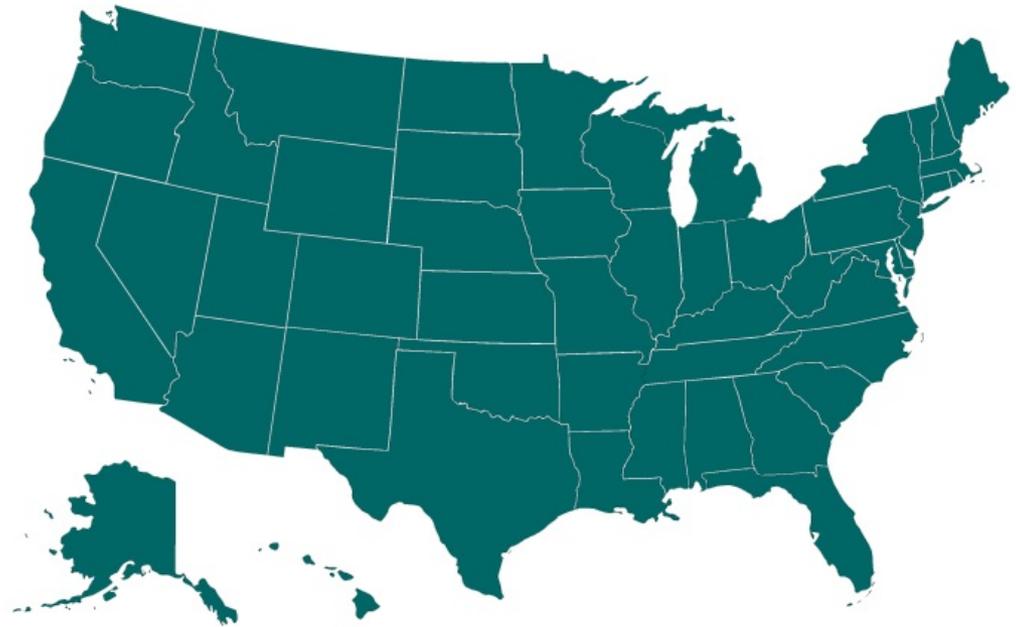
Legal and Policy Issues Impacting Community Recreational Use of School Property

A Policy Options Brief
April 2012



50-state Reviews

Click on your state below to find out more.



- Safe Routes to School
- Child Care
- Out-of-School Time
- Food Procurement
- Complete Streets
- Healthy Food Financing
- Community Use of School Property

Questions?

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Improving health through the power of law

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Kansas Resources

The Kansas Health Foundation is a private philanthropy dedicated to improving the health of all Kansans. The Foundation is focused on preventing chronic disease and reducing health disparities through policy and systems change, leadership development, providing objective information regarding health, and building community capacity to address health issues.

The Public Health Law Center provides a range of legal technical assistance for the Foundation, its grantees and health partners to support progress toward healthy behaviors goals, including increasing physical activity, improving nutrition and reducing tobacco use.

The Public Health Law Center will focus its efforts on three large Foundation initiatives that are focused on policy and systems change: the Healthy Communities initiative, the Statewide Partnerships for a Healthier Kansas initiative and the Tobacco-Free Kansas Coalition. The Public Health Law Center is also supporting other Foundation initiatives and is working with Foundation partners to promote health policy objectives in Kansas.

As part of this work, the Public Health Law Center will develop a series of Kansas-specific resources and trainings, as well as providing individualized legal technical assistance.

For more information, please contact Mary Marrow (mary.marrow@wmitchell.edu), Natasha Frost (natasha.frost@wmitchell.edu), or Julie Ralston Aoki (julie.ralstonaoki@wmitchell.edu).



Check Out Our [Kansas Farmers' Market Resources](#)

Interest in farmers' markets is growing across Kansas, with the number of markets increasing more than four-fold in the past two decades. The growth of farmers' markets is closely tied to community efforts to support local production (sources of fresh, local, and healthy foods) and grow local economies. The resources included in this guide provide direction to local communities seeking to support the development, growth, and success of local farmers' markets in Kansas.

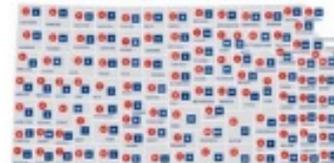


Check out our [Kansas Bicycling and Walking Resources](#)

Kansas communities are taking action to promote health, property, and economic vitality by increasing physical activity through bicycling and walking. These resources provide an overview of laws and policies impacting bicycling and walking to support these efforts.

Kansas Child Care Program Data

• Number of Child Care Centers (2000-2014)
• Number of Family Child Care Homes (2000-2014)



Check out our [Kansas Child Care Resources](#)

The Public Health Law Center has developed a series of resources designed to inform and support Kansas efforts to cultivate child care settings that promote healthy eating, positive exercise habits, reduced screen time, and support tobacco-free environments. There are several resources that are being developed through 2014!