

DEFINING LOCAL FOOD: AN ANALYSIS OF STATE APPROACHES AND CHALLENGES



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I. INTRODUCTION

The term “local” means many things to many people. Despite the fact that it carries so many different connotations, it is used frequently in the law and in the marketplace. If the term is to have a meaning that carries legal weight, it must have a clear definition that reflects the priorities of the entity defining it. Laws should also include language that allows for meaningful accounting of local purchases and enforcement of targets and objectives. Some states are moving toward more clearly defined uses of the terms surrounding local foods, as well as more clearly defined targets for local purchasing, but overall “local” remains largely undefined, creating potential challenges for meeting the goals and evaluating the impacts of local food legislation.

This report describes the various definitions for local or other analogous terms used in state laws meant to incentivize or otherwise promote the purchase of agricultural products that meet those definitions. The report focuses largely on laws related to food procurement by government entities, including schools and other institutions. It also includes laws related to the labeling and sale of local food and food products, and to other efforts for which a definition of local food is relevant. Many organizations and researchers have compiled information on state laws related to local

purchasing, but no compilations to date have focused specifically on states that have chosen how and whether to codify definitions for “local.”

The first section of this report describes different ways governments, consumers, and other stakeholders use and define the word local. It also describes some of the attributes commonly ascribed to local foods, which often form the basis for legislation related to local food systems. The second section centers on challenges that arise when different interrelated players use a word with such breadth of meaning. These range from simple but significant misconceptions (for example, food considered local by a food distribution company may not be considered local by the school that buys it) to more opportunistic uses that could constitute fraud. It also considers some of the other similarly vague language that has historically been used in procurement programs meant to favor local foods. Such language may relate to stated goals or targets for local purchasing, requirements for tracking and reporting sales, or efforts intended to uphold the integrity of state branding programs. The third section describes the findings of a scan of laws from US states and the District of Columbia and provides examples of the terminology each state uses and defines. The paper concludes with considerations for further research.



II. DEFINING LOCAL FOODS

A. THE LOCAL FOOD MOVEMENT

The local food movement is strong and growing.¹ Consumers have expressed a preference for local foods, and will often pay more for products labeled or marketed as local.² Improved local foods infrastructure, including the establishment of food hubs in many states, is helping smaller-scale farmers and food producers better aggregate and distribute their products.³ Nearly every US state has an initiative that works to help schools and other institutions, such as hospitals and prisons, procure food from local sources.⁴

The benefits attributed to local food systems are numerous and encompass economic, environmental, and human health factors.⁵ A local or regional food system, in contrast to one that is national or global, involves shorter distances between the places where food is produced and where it is consumed—often referred to as food miles. In general, local food sales occur directly between producer and consumer or with few intermediaries, such as a food hub. Local foods

can be raw farm products or be minimally processed to retain much of their raw ingredients' character. Consumers may have expectations that local foods are fresher or of higher quality and in some cases produced sustainably or without pesticides.⁶

While the local food movement may have been active decades ago among small farmers and their communities, and in some cases as an eventual response to the industrial agriculture system that grew after the end of World War II,⁷ meaningful legislative efforts to support the movement have been more recent, largely within the last 10-15 years. The 2008 Farm Bill authorized several new programs specifically targeting producers selling into local markets, and in 2009, under Secretary of Agriculture Tom Vilsack, the US Department of Agriculture (USDA) introduced the “Know Your Farmer, Know Your Food” initiative,⁸ intended to reduce barriers to smaller producers accessing new and existing USDA programs.⁹ In 2015, Secretary Vilsack stated that the

federal efforts were meant to open profitability doors for small and mid-sized producers after 2007 USDA Census of Agriculture data showed that the industry leaned large and industrial, potentially shutting out younger farmers and more innovative practices.¹⁰ The 2018 Farm Bill expanded on these efforts by including permanent, mandatory baseline funding for local and regional food systems through promotion and grant programs.¹¹

Recent Census of Agriculture data show that these efforts are likely having a positive effect. The 2017 Census of Agriculture results show that the dollar value of food sold directly to consumers more than doubled on a per-farm basis between 2012 and 2017.¹²

The full scope of economic and demographic changes in local food systems, however, remains difficult to assess from census data alone. While the Census of Agriculture has collected some data on direct-to-consumer sales since 1978, these data did not capture the full scope of local product sales.¹³ In 2015, USDA conducted a Local Food Marketing Practices Survey, which was the first time the agency collected data on value-added agricultural products sold locally, along with unprocessed fruits and vegetables.¹⁴ This survey was also the first time USDA collected data on local sales made through intermediaries (retailers, institutions, or local distributors, like food hubs)¹⁵ despite 60 percent of local sales being made through these channels, according to its own 2011 report.¹⁶ Notably, the 2017 Census of Agriculture rephrased

questions related to local food that make comparisons with the 2015 survey or 2012 census challenging.¹⁷ The data did set a baseline, though, as the questions are anticipated to be more consistent in future surveys, particularly as interest in the economic potential for local food continues to grow.¹⁸

USDA's local food survey¹⁹ and census questions about local foods and "locally or regionally branded products"²⁰ ask specifically about sales outlets, and only recently account for value-added products. The questions do not specify a geographic range to be considered local, establish the proportion of local ingredients in a value-added product, or account for any of the other attributes, like small farm size or sustainable production practices, commonly associated with local food. This leads to the question: what exactly is meant by the term "local"? And, relatedly, how can one ensure that approaches to measuring the movement's growth and the value of local sales are consistent and result in a true understanding of whether the goals of the local food movement are being met?

Some legislators and food system organizations are asking these questions and attempting to address them by delineating clearer standards and mandates for how to use the term "local" in laws and programming. The sections below describe the current definitions used for local food and provide a basis for future decision-making.

B. NO STANDARD DEFINITION FOR "LOCAL"

There is no standard definition for what constitutes local food, how many food miles it can travel before it loses the designation, or how many of the associated attributes it must actually have to be considered local. These distinctions are dependent upon who is using the term and for what purpose.

Bodies at all levels of government within the United States have developed policies to encourage purchasing of local foods within their jurisdictions and may define or use "local" according to their own objectives. These efforts include farm to school or

farm to institution programs,²¹ grants to improve local food and farm infrastructure,²² procurement policies that give preference to local goods,²³ and marketing campaigns²⁴ to protect local brands and educate consumers.

Federal definitions

USDA has not established a uniform definition of local. As described above, the agency bases its Census of Agriculture data collection related to local foods on market channel. The agency defines

the term somewhat more specifically on its local foods topic page as “the direct or intermediated marketing of food to consumers that is produced and distributed in a limited geographic area.”²⁵ A more precise statutory definition is used for USDA Rural Development’s Business and Industry loan and loan guarantee program. Here, a “locally or regionally produced agricultural food product” means a food product raised, produced, and distributed within 400 miles of its origin or within the same state.²⁶ However, it should be noted that numerous USDA farm bill programs use the term “local and regional food” but are not bound by this definition. As another example, USDA regulations for its child nutrition programs allow institutions to apply a preference to locally grown or locally raised agricultural products, but give discretion to the participating institutions to define the local area.²⁷ Indeed, the terms and metrics that underlie institutional purchasing decisions are often determined by the institutions themselves, or by nongovernmental organizations that work with institutions to increase procurement of local foods.²⁸

The Food and Drug Administration, which regulates the safety and labeling of most foods,²⁹ does not define “local.”³⁰ The agency’s Food Safety Modernization Act Produce Safety Rule does not use the term, but does refer to producers within a specific distance of direct market consumers (referred to as “qualified end users”).³¹ Produce farmers who sell to qualified end users either within the same state or within 275 miles may qualify for an exemption under the Produce Safety Rule.³² There is likely to be significant overlap between these qualified exempt farms and farms that qualify for support under USDA local foods programs.

With respect to defining “local,” Secretary Vilsack in 2015 indicated that USDA was unlikely to pursue a standard definition, noting that the movement was “‘still in its teenage stage’ and a standard could hinder its growth.”³³ He did acknowledge that with time and further expansion of the movement into more restaurants and institutions, there would likely be a need for more standardized terminology.³⁴

State definitions

States may define “local” in statute, regulation, or in their program materials, such as on a state farm to school program website or grant application. As will be described in more detail in the sections below, few

state laws include explicit definitions for “local.” The vast majority of states—including those that define the term—use “local” or other related words such as “native” in food procurement and marketing policies to mean that the food was produced in the state. Beyond the geographic element, many states also specify, in definitions or other parts of the law, the commodities or types of products to which the local distinction applies. State law may also extend the definition not only to food that is grown within the state, but also allow food that is processed or packed within the state to qualify as local. See Appendix A on page 24 for the complete list of state definitions.

Local or municipal definitions

At the county or municipal level, there may be a wide array of definitions. Local ordinances use a variety of distances or other attributes to define local with respect to, for instance, which farms are eligible to sell at a farmers market or receive support from municipal programs. For example, the Northwest Indiana Food Council defines local as “food grown, raised, produced, sold and eaten within the local food system in Lake, Porter, LaPorte, Jasper, Newton, Starke, and Pulaski Counties.”³⁵ A Cleveland, Ohio, ordinance giving preference to local food in city contracts defines local products as those that originate within 150 miles of the city.³⁶ A Linn County, Iowa, policy explicitly associates local with other qualities in its procurement preference for locally, sustainably, and seasonably produced food, which is assessed using a matrix of distances, production methods, vendors, and seasonality.³⁷

Nongovernmental organization definitions

Organizations that work toward increasing the availability and sales of local foods may have their own definitions for the purposes of their programming. As noted above, these definitions are often used by institutions working with such organizations. Groups working toward increasing procurement of local foods within schools and other institutions may work within a specific scope that would define the geographic range. For instance, Farm to Institution New England (FINE) focuses its efforts within the six New England states.³⁸ While FINE does not use a specific definition, the organization has noted that the 400-mile radius USDA uses would generally not be

considered appropriate for New England institutions sourcing local food, given that it would allow foods from Virginia to be considered local to southern Connecticut.³⁹

Organizations may include other environmental and social attributes in their standards in keeping with their mission. For example, Real Food Challenge has a mission to “leverage the power of youth and universities to create a healthy, fair, and green food system.”⁴⁰ The program’s standards specify a geographic range of 250 miles (500 miles for meat, poultry and seafood, reflecting processing infrastructure limitations for these commodities), but also include qualifying criteria based on farm or food business size, production practices, and treatment of workers and animals.⁴¹

Individual consumer definitions

An individual consumer may define “local” for themselves. They might choose to purchase items based on “local” branding, or attempt to restrict their diet to include exclusively or predominantly local foods.⁴² Studies on consumer behavior have found that there is a wide spectrum of distances between production and consumption that one might consider local—within 50 or 100 miles, within the state, or within a multistate region.⁴³ One study found that some US consumers considered anything grown within the country local for certain products.⁴⁴

C. CONCEPTIONS OF “LOCAL” ENCOMPASS DIFFERENT VALUES

Local food is desirable because shortening the distance food travels may be correlated with or result in additional benefits.⁴⁵ As in the example of Real Food Challenge, these attributes can be explicitly defined along with a geographic range in certifying specific foods or producers for inclusion in procurement programs. State laws, though they do not tend to include these additional metrics within their definitions of local food, might incorporate assumptions about some of the more subjective values associated with “local” in their statements of purpose or other statutory terms.⁴⁶ Below are examples of the areas in which state governments are seeking benefits by preferring local foods.

Environmental

Local food generally travels a shorter distance to the consumer than non-local food. The transportation sector is currently the largest contributor to global greenhouse gas emissions.⁴⁷ Reducing food miles, then, has the potential to reduce emissions associated with the delivery of food products, particularly given the global scale of food supply chains. While not explicitly meant to address emissions, a bill introduced in New York in February 2019 aimed at prioritizing “environmentally preferable products” in public

purchasing includes “organic and locally grown foods” among those products.⁴⁸

Local foods may be perceived as similar to organic foods, or otherwise presumed to have been grown using particular practices.⁴⁹ The language enacting Washington, DC’s farm to school program illustrates this relationship by requiring schools to serve local food from “growers engaged in sustainable agriculture practices whenever possible.”⁵⁰ Similarly, the language enacting Florida’s farm to school program requires the state Department of Agriculture and Consumer Services to develop food service policies to implement the Florida Farm Fresh Schools Program, which encourage program participants to buy fresh and high-quality food grown in Florida when feasible and prefer competitively priced organic food products when awarding contracts.⁵¹

Nutritional

Because local foods arguably travel a shorter distance, and are often sold directly from producer to consumer, they may not need to be processed or packaged in the same way as other foods that must withstand long periods of travel and storage. They may be fresher and have retained more of their nutrients when they

reach consumers. Or, if not processed, contain fewer added sugars or preservatives.⁵² Also, as mentioned above, the term “local” may suggest to some that the food was grown sustainably or organically, which also can be perceived to provide added health and nutritional benefits.⁵³

The purpose of farm to school or other institutional meal programs, or programs to increase the amount of local food that is donated or purchased for food assistance programs, is often to improve the diets of their clients or participants. These programs, therefore, may also focus on whole fruits and vegetables or minimally processed foods.⁵⁴ Similarly, school nutrition programs often include school garden and nutrition education elements in conjunction with goals to increase the amount of fresh, local food purchased.⁵⁵

Economic

A main driver of many local food procurement initiatives and legislative efforts is to protect and support local businesses and economies. Programs may be designed to protect in-state businesses and

the state’s predominant industries broadly,⁵⁶ or targeted more specifically toward supporting local agriculture.⁵⁷ Programs meant to benefit a state’s agricultural industry (which often are the same farm to school programs described above) may include additional goals for preserving farmland or ensuring a secure food supply for the state.⁵⁸

Mergers among the multinational corporations that control the largest share of the food industry mean that an enormous share of the decision-making power and money associated with food production is concentrated among relatively few people.⁵⁹ Local food advocates may seek to return some of that power and value to the hands of smaller producers. Some programs may also seek to address historic economic disparities within communities, and associated disparities in access to healthy food.

State branding programs are another example of an economically motivated program. Most states have some kind of promotional program for supporting in-state food products.⁶⁰ Laws associated with these programs aim to protect the integrity of state brands and some do regulate the term “local” to conform to state definitions.⁶¹





III. CHALLENGES IN DESIGNING STATE LOCAL FOOD LAWS AND DEFINING “LOCAL”

As discussed in more detail in the next section, which describes the results of a 50-state review of state laws related to local food, there are different categories into which local food laws might fall. This report identifies three for the purposes of its analysis: farm to school or institution procurement programs; general state procurement preference laws; and a broad third category including marketing and food security-related laws. The challenges that might arise when defining, or failing to adequately define, the terms of local food laws generally apply across the three categories. However, some challenges or considerations are more applicable to procurement laws or marketing laws.

A. DIFFERENT UNDERSTANDINGS OF “LOCAL” AND WHICH PRODUCTS QUALIFY AS LOCAL

State agencies purchase large quantities of food for schools, hospitals, senior programs, and other state facilities. Government procurement policies, including farm to institution programs, if well designed, have the power to work toward achieving environmental, nutritional, and economic goals discussed above. However, how states define “local” will likely affect their ability to accurately or efficiently assess their progress toward these goals.

USDA gives institutions that participate in USDA nutrition programs discretion to define the geographic limits of “local.”⁶² One study by Farm to Institution New England (FINE) found that both K-12 and higher education institutions in the New England region use a wide range of local determinants, including state definitions as well as their own or those of third parties, which in some cases expand beyond the state boundary.⁶³ This range of approaches makes aggregating data about institutional purchases from

across a state challenging since products accounted for as “local” may have originated from a wide range of distances.⁶⁴

The distributors that connect producers and institutions may also use their own definitions. Of the distributors surveyed in FINE’s study, 27 percent reported that they used the New England region as the border for local.⁶⁵ Schools often use distributor reports to track local purchases, which can complicate reporting if the definitions of local that schools and distributors use are different.⁶⁶

States are increasingly committing resources to governmental purchases of local foods and to other tools to support local farmers and food businesses.⁶⁷ In order to justify these investments and understand their impacts or make program improvements, a common understanding within a state, and across institutions, of what is meant by “local” is necessary. Establishing such commonality would aid both the ability to analyze and report on the food purchases being made and the ability to identify businesses and

products that might benefit from state investments. It may not always be practical or necessary to define local in the same way across a state, but the definitions each relevant entity uses should be clear in order to reduce confusion.

This challenge applies not only to the different distances that might qualify as local, but also to the different products. Many states include in their definitions of local or in-state products those that were not just grown, but also processed or packed within a state and several do not specify the types of products (e.g., minimally vs. highly processed) or the percentage of local ingredients that must originate from within the state.⁶⁸ State laws that clearly describe which types of products fall within local foods definitions will help institutions better understand which products qualify under different initiatives. In the case of marketing and branding programs, this clarity could also help consumers better understand what a local product is and whether it is worth the higher price they might be asked to pay.⁶⁹

B. LACK OF SPECIFIC TARGETS OR PRIORITIES

Well-drafted definitions of “local” can make legislation more effective, efficient, and clear, as using vague terms in the definition may undermine the efficacy of local preference laws or initiatives.⁷⁰ For example, state procurement programs often require purchasing agents preferentially buy in-state products when the cost of the product is “comparable” to an out-of-state product, or favor in-state products “to the extent practicable.”⁷¹ These terms can be difficult to interpret meaningfully or consistently. A report detailing trends in New England farm to institution procurement policies alternatively recommends setting specific numeric targets for purchases of local foods, as well as clear parameters for prioritizing local products.⁷²

Because “local food” means many things to different people (for example, fresh, healthy, or benefiting a local economy), a state law incentivizing local purchases or protecting local brands should clearly state not only what local means but also the specific priorities incentives for local products are meant to advance. Some states include statements of purpose within local foods legislation that makes the relationship between local food and its associated benefit clearer. Lawmakers should also consider including measurement and evaluation requirements to assess whether the law is meeting the desired goals.

C. PURSUING DISPARATE OR COMPETING GOALS

If a state makes its objectives explicit within the law, it might also consider whether the objectives align or conflict with those of other laws and regulations. For example, New York has no statutory definition of local food but does have a state farm to school program that promotes and incentivizes purchases of “New York farm products”⁷³ and a state law that authorizes state agencies to require that “all or some” of the food products purchased be grown or processed in the state.⁷⁴ In 2019, the state legislature introduced a bill aimed at prioritizing “environmentally preferable products” including organic and locally grown foods.⁷⁵ The objectives of these two procurement laws may be at odds if prioritizing New York farm products in schools means purchasing items that were grown farther away but within the state (potentially increasing their environmental impact) or that were not produced organically.

Similarly, one reason to distinguish farm to school procurement policies from more general procurement preference rules is to highlight the potential for these policies to be at odds in terms of their purposes. Nutrition-oriented programs might be primarily interested in providing healthy food options to institutional consumers, which may include nearby farms.⁷⁶ State procurement policies, on the other hand,

might be exclusively interested in supporting in-state economies through purchases of goods produced within the state. The most nutritious options and the most economically advantageous options may not be the same products.

There may also be conflicts between the definitions that states use in their procurement targets and the pledges that some public institutions are committing to through nonprofit organizations, such as the Real Food Challenge or the Center for Good Food Purchasing.⁷⁷ For instance, testimony presented by a representative of the University of Maine to the state legislature in response to a bill that would, in part, define local as being from within the political boundary of the state, said that this definition was limiting.⁷⁸ The school, in attempting to meet its own targets for local purchasing, defined local as within 175 miles of each of its campuses, which often included vendors from bordering states.⁷⁹ Using this range allowed the school to procure a wide variety of what they refer to as “truly local” options, as these goods would travel from out of state but over fewer miles and arguably have a lesser environmental impact.⁸⁰ Under the proposed legislation, however, these out-of-state purchases would not count toward the state’s local purchasing targets.

D. ENFORCEABILITY

As mentioned, many state procurement policies use vague terminology and require a preference for local when “reasonable” or “feasible.” This kind of terminology may lead to inconsistent interpretation and serves as a “low bar for compliance that gives agencies little incentive” to actively seek local vendors or demonstrate actual purchases.⁸¹ Laws that mandate that purchasers set baselines for their current local purchases and track and report purchases for review by an outside authority, such as a review board or department secretary,⁸² provide a mechanism for accountability.

Even if the terms of a procurement program are clear, accountability and motivation to collect useful data could still be lacking. To counter this possibility, laws could include penalties for noncompliance. For example, school procurement officers might be asked to require certification or other proof of origin from vendors, which officers would need to include in mandatory reporting.⁸³ Some farm to school programs use grants or reimbursements to pay for local purchases; these payments might be withheld in the absence of proper certification or tracking.⁸⁴

Many states have branding programs for products grown or produced within the state (for example, Kentucky Proud,⁸⁵ California-grown,⁸⁶ or Connecticut Grown⁸⁷) that aim to increase public awareness and demand for in-state products. Laws related to these programs often use the state-produced distinction interchangeably with “local” within the text of laws or associated promotional materials. The regulated use of “local” by these programs may similarly lack meaningful requirements or enforcement that would uphold the integrity of the term.

A 2018 investigative report by USA Today and the Arizona Republic considered both the rules regarding and enforcement of these initiatives. Of the 45 US states that support a state brand for food and agriculture

products, 40 had no record of enforcement action in the previous five years and 36 had no formal review process to check compliance.⁸⁸ The report also found that 18 states did not require a specific percentage of ingredients in a product to be called “local” as long as it was manufactured in the state, meaning that a bottled iced tea could be labeled local even though its two main ingredients—sugar and tea leaves—were grown in other countries.⁸⁹ Such lack of rigor, the report claims, can mislead and eventually fatigue consumers who may lose trust in local branding if it does not conform to their values.⁹⁰ It could also impact the goals of state procurement programs, if they rely in part on state branding to make local purchasing decisions. A small number of states do have penalty and fine provisions in place to protect their state brands.⁹¹

E. FRAUD AND LIABILITY

Misbranding issues related to the use of “local” do not appear to be widely litigated, but the potential for fraudulent or misleading labels exists where certain products are preferred over others. One notable recent case illustrates the risk that use of this expansively defined term poses beyond issues of data aggregation and the ability to meet procurement targets. In a case in Utah, the court found in favor of a company who claimed a rival bread company’s label marketing its product as “Fresh. Local. Quality” was false advertising because the bread was baked in a different state than the one in which it was sold.⁹² The court stated that even though “local” carries no set definition, the claim demonstrated implied falsehood because consumer survey data showing that a majority of respondents believed “local” meant “in the same state” suggested that the term was misleading.⁹³ A jury initially awarded the plaintiffs over \$8 million in damages, but on appeal, the appeals court reduced the amount to \$83,398. Specifically, that court found that the

survey data demonstrating that the defendant bakery profited unfairly from the consumers’ preference for local products should have been limited to the public’s perceptions in Utah, where the survey was conducted, and not extrapolated to assume what customers in other states may believe “local” means.⁹⁴

The case illustrates that without a standardized definition, users of the term may risk liability. As Secretary Vilsack alluded, with increasing marketability of local products and the growing popularity of not only farm to school programs, but also farm-to-table restaurants and other venues that use the term “local” in their programmatic and promotional materials, the legal repercussions of its misuse also grow. The case also suggests that courts may take a narrow view of the evidence presented with regard to the use of the term local, emphasizing the state- or region-specific use and perception of the term.



IV. SCAN OF STATE LAWS RELATED TO LOCAL FOOD

This section describes the findings from a review of state laws related to local food, presented in full in Appendix A. The primary goal of this research was to collect the definitions codified or implied in state laws for the term local—or similar terms, such as “locally grown”—with respect to food. It also considers the other terminology states use in the absence of or in conjunction with “local” to indicate a preference for in-state agricultural products in laws related to food procurement by state agencies, nutrition programs, or other food-related laws. Only enacted bills and current laws were included in the review, except in a few cases where noted. To identify an initial body of relevant laws to review, this research relied on several other surveys of state laws conducted by other researchers. Those reports are collected in Appendix B, *Surveys of State Laws on Local Food and State Procurement*.

A. CATEGORIES OF PROGRAMS AND LAWS SURVEYED

Three broad and overlapping categories were identified in which the term “local” may be relevant:

1 Farm to school or other institution programs.

These are programs with the goal of improving nutrition and access to healthy food among students or other institutional consumers. A joint or secondary goal of these programs is to support local farms and food economies. These programs generally fall under the authority of the state’s Department of Agriculture, Department of Education, or both, and appear in statute within one of these titles. In some cases, targets for

increasing the amount of food served at institutions is included, such as 20 percent annual local purchases by 2025. These may or may not include requirements for tracking and reporting purchases, and in some more recent cases, may go further than that to require that reporting include evidence of the products’ origin or of the positive impact the purchases have had on consumers or on local vendors.

NOTABLE EXAMPLES

- **Arkansas’** Local Farm, Food and Jobs Act⁹⁵ applies to all state agencies, including institutes of higher education. ⁹⁶ The law requires agencies to set an initial goal to purchase 10 percent Arkansas-produced, grown, or processed food or food products by July 1, 2018, and 20 percent every year following. The law also includes a mandate to give preference to local goods if within 10 percent of the lowest bid price. Agencies must establish a baseline for local purchases (for 2017) and develop a system for tracking and reporting purchases. Agencies must identify the percentage of funds spent on local products and submit an annual report to the state’s Bureau of Legislative Research, to be forwarded to the governor’s office.
- **Colorado’s** Local School Food Purchasing Program⁹⁷ does not set a target for Colorado-grown purchases, but does require schools to track and report in-state purchases used for student meals and requires the reporting to distinguish the total amount of local purchases from the amount of value-added processed products. The reporting requirements are very detailed; a report must be submitted to the House and Senate Education Committees, which includes vendor demographic information, the total dollar amount spent, and the economic impact the purchases had on food vendors. Schools are reimbursed for a portion of qualifying meals.⁹⁸
- **Connecticut’s** Farm to School Program mandates that food producers offer proof that their produce was grown in Connecticut.⁹⁹
- **Illinois** has two laws related to school purchasing: the Farm Fresh Schools Program Act¹⁰⁰ and the Local Food, Farms and Jobs Act.¹⁰¹ Whereas the Farm Fresh Schools Program has few specific requirements and applies only to public schools, the Local Food, Farms and Jobs Act expands local food procurement goals to “all state agencies and state-owned facilities, including, without limitation, facilities for persons with mental health and developmental disabilities, correctional facilities, and public universities.” It sets a required target of 20 percent local purchases by 2020. It includes mandatory tracking and reporting of purchases and allows a 10 percent price preference on local purchases.
- **Maine’s** Act to Increase Consumption of Maine Foods in State Institutions¹⁰² requires that 20 percent of all food and food products procured by state institutions are Maine food or food products by 2025.
- **Missouri’s** Farm to Table Act¹⁰³ requires all participating institutions to have reached a goal of purchasing at least 10 percent of their food products locally by 2019.
- **Vermont’s** Farm to School Program¹⁰⁴ includes the most ambitious target of all of the programs surveyed. The law sets a goal to establish a food system that integrates food system education into 75 percent of Vermont schools and purchases 50 percent of food from local or regional sources by 2025. This is also the only one of the programs to include regional food sources within its procurement goals.

2 Government procurement programs.

These policies primarily aim to help state economies and may not apply exclusively to agricultural products, though when applied to food, they may include some of the same objectives regarding access to healthy food as nutrition-based program. These laws apply to the procurement offices of state agencies and generally appear within procurement-related titles of state administrative codes. Common mechanisms for these laws are:

- **A preference for in-state goods when prices are equal**, which require in-state purchases when competing products are the same for specified criteria such as price, quality, and availability;
- **A preference for in-state when reasonable or practicable**, which require or allow preference for in-state products when they are sufficiently available or their higher price is sufficiently “reasonable”; and
- **A price percentage preference**, which allows or sometimes requires purchasers to buy in-state products that are more expensive than out-of-state products, up to a certain percentage of the lower price.

NOTABLE EXAMPLES

○ **Colorado**¹⁰⁵ includes a preference for state agricultural products within its procurement code. It applies to “government bodies,” which specifically does not include school districts, as defined. It allows purchasers to apply a “price reasonably exceeds” preference option and requires bidders to certify and provide documentation confirming the in-state origin of their products, though the government body may rely on good faith with respect to this documentation.

○ **Hawaii’s**¹⁰⁶ procurement code allows that contracts are voidable if vendors fail to adequately verify, deliver, or supply Hawaii products.

○ **Ohio’s**¹⁰⁷ procurement requirements are unusual among other state laws in their phrasing. Bidders are required to identify all non-Ohio products, represent that all other products are in-state and state whether they claim to have “significant Ohio economic presence.”

○ **West Virginia**,¹⁰⁸ as of July 1, 2019, requires all state-funded institutions “such as schools, colleges, correctional facilities, governmental agencies and state parks” to purchase a minimum of 5 percent of their produce, meat, and poultry products from in-state producers, provided they are available.

3 Other local food efforts, including marketing programs and food security and sovereignty.

These laws may focus on ensuring a robust and steady local food supply while also strengthening a local economy and might include language that allows or encourages food production in spaces like urban environments or home gardens, in addition to traditional farms. These laws also protect the integrity of state brands and may include enforcement provisions to penalize vendors for using “local” or “[state]-grown” in a way that does not conform to the state’s definition.

NOTABLE EXAMPLES:

○ **Connecticut**,¹⁰⁹ **Kentucky**,¹¹⁰ **Maine**,¹¹¹ **Maryland**,¹¹² **New Hampshire**,¹¹³ and **Vermont**¹¹⁴ all have laws related to marketing and consumer protection that touch on the term local. These laws prohibit use of the term, or related designations such as “locally grown” or “native,” if the products do not conform to the states’ standard regarding origin. Connecticut, Kentucky, and Maine all specify financial penalties for noncompliance. Connecticut raised the penalty from \$25 to \$100 in 2015; Maine added enforcement requirements to its law in 2005, which permits a \$200-\$300 fine for misuse of the term.

○ **Illinois**¹¹⁵ and **Missouri**¹¹⁶ both have laws related to zoning that regulate the term “local.” These laws allow municipalities to designate urban agricultural areas or zones where food production is allowed and each specify a definition of “local” or “locally grown” that apply only within these sections of their respective laws.

○ **Maine** enacted a great deal of legislation over the last two decades related to food production and consumption in the state in which “local” appears. The state is notable for its efforts toward food self-sufficiency¹¹⁷ and, more recently, food sovereignty.¹¹⁸ Many of the targets and tools described in these laws are similar to those used in the farm to school and institution programs described above, but are framed within a slightly different context—increasing the overall capacity of the state to supply a significant portion of state-grown food for its population. Before 2000, the state established a requirement for the Department of Agriculture to establish a baseline to estimate the percentage of food consumed in Maine that is produced in Maine.¹¹⁹

○ **Illinois**¹²⁰ provides a noteworthy example of a law related to local food that, unlike those that include specific targets and price preference incentives, is framed in the negative. Illinois’ code for county health departments states that departments “may not discourage the purchase or consumption of locally grown foods in relation to foods that are not locally grown.”

B. STATE DEFINITIONS

States can be broadly divided into three categories based on the terms they use for promoting their agricultural products:

1. States that refer primarily to **“local” or “locally grown”** products;
2. States that predominantly use **[state]-grown or other terminology** specifying that the law refers to goods produced within the state boundary; and
3. States with **no relevant laws to promote local foods.**

A few states use different definitions for the same term, or fall into more than one category for different laws. Most states include in their definitions, whether referring specifically to local or to in-state products, some terminology stating that foods must be grown, processed, or packaged within the state.

1 States that use **“local”** as the relevant statutory term.

Nineteen states and the District of Columbia refer to “local” food and food producers within their program titles and legislative and statutory language. Of these, **eight states and the District of Columbia explicitly define “local,” “locally grown,” “local food,” or “local farm or food products.”** This list includes Arkansas,¹²¹ Illinois,¹²² Maine,¹²³ Maryland,¹²⁴ Mississippi,¹²⁵ Missouri,¹²⁶ New Hampshire,¹²⁷ Vermont,¹²⁸ and Washington DC.¹²⁹

Whether the term is explicitly defined or the definition is gathered from context, the vast majority of states use “local” in their food procurement and marketing policies and programs to mean that the food was produced in the state. These laws may additionally include other attributes that food produced in the state is either required or assumed, based on statutory context, to have, but the state boundary is generally the primary qualifying attribute for local food at the state level.

NOTABLE EXAMPLES:

- **Maine** For the purposes of Maine’s consumer protection law, which prohibits vendors of farm produce from selling out-of-state products within the state that are labeled “locally grown” or “native,” these terms all by definition mean simply “grown in the state.”¹³⁰

Maine’s recent legislative efforts focused on food self-sufficiency and sovereignty demonstrate a more complicated relationship with the term. In 2017, Maine passed an Act to Recognize Local Control Regarding Food Systems,¹³¹ enacting the Maine Food Sovereignty Act, which enables the state to allow municipalities to adopt ordinances that grant them the authority to regulate direct-to-consumer food sales without the intervention of the state. The enacted bill defines “local food

system” as “a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents.”

In the same year, the act was repealed and replaced by an emergency bill¹³² that exempted meat and poultry from local control in response to a letter from USDA saying that the federal agency would step in to regulate meat if the state allowed local authorities to determine their own rules for animal slaughter.¹³³ The emergency legislation also repealed the definition of “local food system.”

The state more recently showed a similar reluctance to define the term. In 2018, Maine passed an Act to Expand the Local Foods Economy by Promoting Local Foods Procurement.¹³⁴ The law establishes a goal that 20 percent of all food and food products procured by state institutions be local food or food products by 2025. It leaves to the Department of Agriculture the responsibility to adopt rules that must include definitions of “local foods” and “local food providers.”

That law was repealed in June 2020, by an Act to Increase Consumption of Maine Foods in State Institutions, along with the requirement to define “local.”¹³⁵ This new law does not use the term local at all but instead uses the term “Maine food or food product” in its objectives, which is a more precise description of the geographic area to which the law applies. In testimony on the introduced version of the bill, which did refer to local food, the Department of Agriculture, at the time preparing for the rulemaking process to define local, suggested waiting to implement new language.¹³⁶ The department suggested that rulemaking would take into account the environmental impacts of transportation and consider, among other things, the University of Maine’s definition of local—anything grown within 175 miles of any of its campuses. It is unclear whether the legislature intends to revisit defining “local,” or has for the time being settled on a target to procure Maine foods.

○ **Maryland** Similar to Maine, Maryland defines “locally grown food” to mean “food grown in the state” for the purposes of its procurement code. Maryland takes a different approach in its law on Advertising or Identifying Agricultural Products as Locally Grown.¹³⁷ Within the law, the term is not defined, but the state is included in this list because it takes the unusual approach that the consumer should be the judge of what is local. The law requires that the secretary of agriculture regulate “local” and “locally grown.” The department’s regulations require vendors to disclose the place of a product’s origin when using the term “local” on its packaging or advertising. The requirement applies also to “regional.”

A 2011 editorial from the Baltimore Sun states that the department had originally intended to define “local” more precisely, perhaps by mileage, but an advisory board concluded that a specific designation can be problematic.¹³⁸ Instead, anything labeled local must also be labeled with its state of origin. The agency considered requiring a more exact description of the location, such as a particular farm. However, Maryland’s then-agriculture secretary, Earl Hance, said that big grocery chains objected to a more exacting requirement due to the onerous tracking it would require, particularly for aggregated products like apples.¹³⁹

A Maryland food policy brief notes that the state, which has a relatively small geographic area and is surrounded by major metropolises, benefits from this more flexible definition of local, since bordering states provide lucrative markets for Maryland producers.¹⁴⁰ There is some push, however, to distinguish Maryland’s local food from that of its neighbor states. The Maryland Farm Bureau has stated that farming in Maryland is more expensive than in some surrounding states because of the cost of meeting nutrient management regulations to protect the Chesapeake Bay.¹⁴¹ The organization recently put its support behind an idea for legislation that would establish “preferred” local farmers based on nutrient management participation and other standards.¹⁴²

○ **Missouri** Missouri’s definition of “locally grown agricultural products” is unique among the states. The term, associated with the Missouri Farm to Table Act, defines these products as “food or fiber produced or processed by a small agribusiness or small farm,” where a small agribusiness is “a qualifying agribusiness . . . and located in Missouri with gross annual sales of less than five million dollars.”¹⁴³ A small farm is defined as a “family-owned farm or family farm corporation . . . located in Missouri with less than two hundred fifty thousand dollars in gross sales per year.”¹⁴⁴ No other state explicitly connects “local” to farm or business size or income.

○ **Vermont** Vermont first defined “local” in 2007.¹⁴⁵ It is the only definition to include a specific geographic radius, and one that may extend beyond the state border. Like Maryland, the Vermont law provides some flexibility in the interpretation of “local” so long as the origin is clearly stated. Act 207 defined local or locally grown as:

The goods being advertised originated within Vermont or 30 miles of the place where they are sold, measured directly, point to point, except that the term “local” may be used in conjunction with a specific geographic location, such as “local to New England,” or a specific mile radius, such as “local-within 100 miles,” as long as the specific geographic location or mile radius appears as prominently as the term “local,” and the representation of origin is accurate.¹⁴⁶

In July 2020, the state enacted House Bill 656, relating to miscellaneous agricultural subjects.¹⁴⁷ The bill repealed the previous definition and added a new, more elaborate one—by far the most detailed of any of the definitions identified among the states. “Local,” “local to Vermont,” and “locally grown or made in Vermont” have different meanings depending on whether they are referring to raw agricultural products, processed foods, and specifically bakery products, beverages, or unique food products.

Embedded definitions clarify, among other things, that processed foods considered “local to Vermont” must include a majority of ingredients that are raw agricultural products from Vermont. Additionally, the product must either be processed in Vermont or come from a company headquartered in Vermont. The definition also retains some of the repealed language. In addition, products may use the term “local” accompanied by a prominent display of the geographic location of origin. The definition allows for the term to refer to a region if that region is identified. If the region is not precisely defined by political borders, then the region must be described or the product must have been grown or made within 30 miles of the point of sale.¹⁴⁸

2 States that use “in the state,” “[state]-grown,” or other state-specific terms.

Thirty-two states use state-based terms to refer to preferred or targeted food within their program titles and statutory language, of which 11 have laws in both this and the above categories.

Of these 32 states, 7 define that term explicitly in statute: Colorado,¹⁴⁹ Connecticut,¹⁵⁰ Hawaii,¹⁵¹ Kentucky,¹⁵² Louisiana,¹⁵³ Ohio,¹⁵⁴ South Carolina,¹⁵⁵ and Washington.¹⁵⁶

These states, clearly, do not need to specify the geographic area to which the law applies, but many of these definitions do contain nuance worth noting.

NOTABLE EXAMPLES:

○ **Colorado’s** definition for “Colorado grown” specifies the list of commodities to which the term might apply.¹⁵⁷ Where most state definitions include that items may be either grown or packed, processed, etc., few note details beyond those broad terms. Colorado law specifically includes “minimally processed or value-added products.” It also includes in its definition that a product grown in Colorado meets the standards of the state branding program (Colorado Proud) regardless of whether the product has received that designation.

○ **Hawaii** lists the processes by which a “Hawaii product”¹⁵⁸ may be produced. It might be mined, excavated, produced, manufactured, raised, or grown in the state. Like Vermont, Hawaii’s law requires that Hawaii-originated components make up a majority of the final product in order to be considered a Hawaii product. Unlike Vermont, which measures that component by volume, Hawaii measures inputs by cost.

○ **Ohio’s** procurement law designating a preference for Ohio products is the only one to include a reference to labor in the definition of an “Ohio product.” This general procurement law is not exclusive to food products, and states that products raised, grown, mined, etc., in the state are Ohio products if the Ohio input of labor, skill, or other services constitutes no less than 25 percent of the manufactured cost.¹⁵⁹

3 States with no relevant local foods laws.

Nine of the 50 states have no law related to local foods or preference for local or in-state products that were relevant to this review: Arizona, Delaware, Idaho, Kansas, Nebraska, Nevada, New Mexico, North Dakota, and South Dakota. In the case of New Mexico, the state legislature adopted a resolution in 2001 directing the state departments of agriculture and education to research strategies to include local food in school meals, and has since developed a farm to school program and annually appropriates funding to purchase “New Mexico grown fresh fruits and vegetables.”¹⁶⁰ However, because these legislative actions are not permanent law, they are not reflected in the state’s statutes and there is no relevant statutory definition. Additionally, some of these states may have in-state procurement preference laws that did not specify food or agricultural products and therefore may have been missed in searches.



V. CONCLUSIONS AND FUTURE CONSIDERATIONS

The term “local” is necessarily relative. What is local in terms of distance is likely to be different for an individual, a particular community, or a state government. With respect to food production and consumption, the term is particularly ambiguous, as it has come to be conflated with different societal benefits: from better nutrition among schoolchildren, to stronger local economies, to a healthier environment. While the word is often used in legislative language intended to promote local food systems, it is not always adequately defined.

The common definition of local as food produced and consumed within the same state seems to be driven in large part by goals to support in-state businesses and strengthen state economies by increasing and encouraging purchases of local food. Another common goal for legislation identified in this research is to facilitate the ability of state-funded meal programs to provide healthy and nutritious food to their participants. Due to the broad range of definitions for local food, and the different values assigned to local food, state policymakers should be as transparent

and specific as possible. For example, local food laws should clearly articulate the objectives sought by the law and be as specific as possible regarding the types of food products to which the definition applies to be better able to assess progress toward economic and nutritional goals. Policymakers should also consult with relevant stakeholders for input on the definitions based on local interest and need.

Legislative efforts to support local food systems are relatively new—most of the laws captured here were enacted or significantly amended within the last 15 years. The terminology used in these laws is often unspecific, not just regarding which food items the term “local” should apply to, but also to how the goals of a law will be achieved or measured. More recent laws seem to acknowledge the weakness of the first generation of local food laws and include more measurable targets and mandates. Of the fifty states, only six include numeric targets for the purchases of local products by state agencies; five of these states passed legislation setting those targets within the last five years.¹⁶¹ Some states, including those that have

set purchasing targets, mandate reporting of local food purchases, and in some cases demonstrations of the economic impact those purchases are having on local food vendors. Where many states may include products that were grown outside of the state but were packaged or processed in the state as “local” or part of their state branding programs, some states, such as Vermont, are revising those definitions to include precise language that allows regulators and consumers to better understand how exactly those terms should be interpreted and to provide a stronger basis for purchasing decisions and, potentially, enforcement actions.

While a thorough review of state laws was conducted during this research and every effort made to capture the breadth of uses and meanings of the term “local,” there may be gaps. States are actively pursuing efforts to increase production and sales of local food. Some of these efforts were not captured here because the accompanying legislation did not specifically address how the state identified or measured local food. This legislation includes, in some cases, the establishment of working groups or food policy councils where the term “local” was used but gave no priority or parameters that would warrant its inclusion in the collection of

definitions and reporting or preference mechanisms.

This research did not consider bills that have been introduced but not enacted,¹⁶² and there are undoubtedly interesting approaches described in those texts. An exploration of the laws that have failed or those that have been repealed may reveal lessons about which approaches are likely to succeed, or how state legislatures are moving forward (or not) on the issue of local food.

The COVID-19 pandemic that began shuttering businesses and disrupting food supply chains in March 2020 has prompted conversations among policymakers, advocates, producers, and consumers about food access and local and regional food supply chains.¹⁶³ Direct-to-consumer sales through community supported agriculture subscriptions and farm stands, using both online ordering and delivery platforms, reached unprecedented levels at the start of the pandemic,¹⁶⁴ as did interest in gardening and home food preservation.¹⁶⁵ If this interest holds, legislators may continue to pursue innovative ways to better support local food systems, which may result in efforts to define local-related terms for the first time, or to elaborate on their meaning.



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About the Center for Agriculture and Food Systems at Vermont Law School

The Center for Agriculture and Food Systems (CAFS) uses law and policy to build a more sustainable and just food system. In partnership with local, regional, national, and international partners, CAFS addresses food system challenges related to food justice, food security, farmland access, animal welfare, worker protections, the environment, and public health, among others. CAFS works closely with its partners to provide legal services that respond to their needs and develop resources that empower the communities they serve.



Through CAFS' Food and Agriculture Clinic and Research Assistant program, students work directly on projects alongside partners nationwide, engaging in innovative work that spans the food system. Visit www.vermontlaw.edu/cafs to learn more.

APPENDIX A: 50 STATE SCAN OF “LOCAL FOOD” DEFINITIONS

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Alabama	Ala. Code § 16-1-46	● Encourages purchasing from local farmers, processors, and suppliers when procuring farm products that fall under the small purchase threshold. Includes education for food service directors on the small purchase threshold and training for food service staff to accommodate fresh, local foods.	● Local	Not defined
Alaska	Alaska Stat. § 36.15.050	● Applies a 7-15% price preference to products harvested (or processed, for fisheries products) in the state when agricultural or fisheries products are purchased by the state or school district that receives state money. Solicitations for purchases must include preference for in-state products. If not, must certify in writing why in-state products were not purchased. State money can be withheld for non-compliance.	● Local	Not explicitly defined, but the law specifies the preference applies to (a) ag products “harvested in the state” and (b) fisheries products “harvested or processed within the jurisdiction of the state” when purchased by state or school district receiving state funds
Arizona	None	N/A	● N/A	N/A
Arkansas	Ark. Code Ann. §§ 6-18-2101 to 2103	● Establishes farm to school and early childhood education program; includes issues related to local food procurement in schools, among other farm to school topics.	● Local farm or food products	Defined as food products that are grown in Arkansas or packaged and processed in Arkansas, or both.







KEY

● Farm-to-school or other institution programs	● No term/law
● Government procurement programs	● “Local” as relevant term
● Other local food support efforts	● “In state” as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
	Ark. Code Ann. § 15-4-3801 et seq.	● Requires all state agencies to purchase 20% local food or farm products. Must identify percentage spent on local to set baseline for 2017, and develop a system for tracking and reporting local purchases. Annual report required with details including dollar amount spent on local purchases and percentage of total spent on local food. Also includes 10% price preference for local.	● Local farm or food products	"Defined as food products that are grown in Arkansas or packaged and processed in Arkansas, or both.
California	Cal. Food & Agr. Code §§ 49010 - 16	● Establishes matching grant program under federal Food Insecurity Nutrition Incentive Grant Program to encourage the purchase and consumption of California fresh fruits, nuts, and vegetables by directly linking California fresh fruit, nut, and vegetable producers with nutrition benefit clients.	● California-grown	Not explicitly defined, but used to describe California fresh fruits, nuts, and vegetables.

- KEY**
- Farm-to-school or other institution programs
 - No term/law
 - Government procurement programs
 - "Local" as relevant term
 - Other local food support efforts
 - "In state" as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Colorado	Colo. Rev. Stat. §§ 22-100-101 to -105	<ul style="list-style-type: none"> Reimburses participating school meal providers for the purchase of Colorado grown, raised, or processed products. Requires tracking and reporting of Colorado purchases by dollar value, the amount of value-added processed products purchased for school meals, and the total number of lunches provided. 	<ul style="list-style-type: none"> Colorado grown, raised, or processed products 	Defined as all fruits, vegetables, grains, meats, and dairy products, except liquid milk, grown or raised in Colorado and minimally processed products or value-added processed products that meet the standards for the Colorado proud designation, established by the Colorado department of agriculture, even if the product does not have the Colorado proud designation.
	Colo. Rev. Stat. § 24-103-907	<ul style="list-style-type: none"> Establishes a preference for state agricultural products that "reasonably exceed the lowest price". Bidder shall certify to the governmental body (does not include school districts) inviting the bid and provide documentation confirming that the resident bidder's agricultural product was produced in the state. 	<ul style="list-style-type: none"> Produced in the state 	Defined as grown, raised, or processed in the state.

- KEY**
-  Farm-to-school or other institution programs
 -  Government procurement programs
 -  Other local food support efforts
 -  No term/law
 -  "Local" as relevant term
 -  "In state" as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Conn-ecticut	Conn. Gen. Stat. § 22-38	● Requires any person, firm, partnership or corporation advertising farm products as “Native”, “Native-Grown”, “Local”, “Locally-Grown”, or “Connecticut-Grown” provide written proof that product was grown in CT or within 10 miles, as applicable, if requested. If selling as “Connecticut-Grown” must include signage with business of origin. 2015 amendment increased fine from \$25 to \$100	● Connecticut-grown	Defined as produce and other farm products that have a traceable point of origin within Connecticut.
	Conn. Gen. Stat. § 22-38d	● Encourages schools to purchase from local farmers; requires that vendors selling products as Connecticut grown to schools through Farm to School Program offer proof that the farm product was produced in Connecticut.	● Connecticut-grown	Defined for the section as produce and other farm products that have a traceable point of origin within Connecticut
	Conn. Gen. Stat. § 4A-51	● Requires state contracts give preference to in-state products when comparable in cost. 2013 amendment added meat products.	● Grown or produced in the state	Not defined, but applies to dairy products, poultry, eggs, beef, pork, lamb, farm-raised fish, fruits or vegetables grown or produced in the state
Delaware	None	N/A	● N/A	N/A
Florida	Fla. Stat. § 287.082	● Gives preference to commodities manufactured, grown, or produced in the state if all else is equal.	● Manufactured, grown, or produced within this state	Not defined







KEY

- Farm-to-school or other institution programs
- No term/law
- Government procurement programs
- “Local” as relevant term
- Other local food support efforts
- “In state” as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
	Fla. Stat. § 595.406	● Establishes farm to school program; requires development of policies that encourage purchasing "fresh and high-quality foods" grown in-state when feasible, and to demonstrate a preference for "competitively priced organic food products" and "those that have maximum nutritional content".	● Grown in this state	Not defined
Georgia	Ga. Code Ann. § 20-2-500	● Establishes preference for in-state products, including agricultural products, when "reasonable and practicable." Allows reciprocal preference with other states.	● In this state	Not defined
Hawaii	Haw. Rev. Stat. § 141-11	● Establishes Hawaii Farm to School Program; includes among its purposes to "improve student health, develop an educated agricultural workforce, and enrich the local food system through the support and increase of local food procurement ..." and addresses "... consumption of Hawaii-grown foods in state facilities, primarily education facilities."	● ● Local; Hawaii-grown foods	Not defined

- KEY**
- Farm-to-school or other institution programs
 - No term/law
 - Government procurement programs
 - "Local" as relevant term
 - Other local food support efforts
 - "In state" as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
	Haw. Rev. Stat. § 103D-1001	<ul style="list-style-type: none"> Establishes preference for Hawaii products in state purchasing. A contract is voidable if failure to adequately verify, deliver, or supply Hawaii products. 	<ul style="list-style-type: none"> Hawaii products 	Defined as products that are mined, excavated, produced, manufactured, raised, or grown in the State and where the cost of the Hawaii input towards the product exceeds fifty per cent of the total cost of the product; provided that (1) Where the value of the input exceeds fifty per cent of the cost, the product shall be classified as class I; and (2) where any agricultural, aquacultural, horticultural, silvicultural, floricultural, or livestock product is raised, grown, or harvested in the state, the product shall be classified as class II.
Idaho	None	N/A	<ul style="list-style-type: none"> N/A 	N/A
Illinois	30 Ill. Comp. Stat. 595/1-10	<ul style="list-style-type: none"> Establishes target of 20% local purchases by all state owned facilities by 2020. Entities funded in part or in whole by state dollars should encourage a 10% local target. Allows a 10% price preference for local food. Agencies must develop an annual tracking and reporting system. Stated goal is to "create, strengthen, and expand local farm and food economies throughout Illinois." 	<ul style="list-style-type: none"> Local farm or food products 	Defined as products: (1) grown in Illinois; or (2) processed and packaged in Illinois, using at least one ingredient grown in Illinois.

- KEY**
-  Farm-to-school or other institution programs
 -  Government procurement programs
 -  Other local food support efforts
 -  No term/law
 -  "Local" as relevant term
 -  "In state" as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
	65 Ill. Comp. Stat. 5/11-15.4-5	● Allows municipalities to establish urban agricultural areas for the production of locally-grown agricultural products.	● Locally grown	Defined as a product that was grown or raised in the same county or adjoining county in which the urban agricultural area is located.
	105 Ill. Comp. Stat. 124/10	● Establishes Farm Fresh Schools Program to reduce obesity, improve nutrition and public health, and strengthen local economies by increasing access to and promoting the consumption of locally grown fruits and vegetables in schools and increasing physical activities and programs that promote wellness.	● Locally grown	Not defined
	55 Ill. Comp. Stat. 5/5-25026	● Prohibits the board of health of a county or multi-county health department from discouraging the purchase or consumption of locally grown foods in relation to foods that are not locally grown, except in emergency situations.	● Locally grown	Not defined
Indiana	Ind. Code § 5-22-15-23.5	● Allows a governmental body to give up to 10% price preference for agricultural products grown, produced, or processed in Indiana.	● Indiana agricultural products	Not explicitly defined, but used to mean agricultural products grown, produced, or processed in Indiana

- KEY**
- Farm-to-school or other institution programs
 - No term/law
 - Government procurement programs
 - “Local” as relevant term
 - Other local food support efforts
 - “In state” as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Iowa	Iowa Code § 267A.1 - .7	● Empowers farmers and food entrepreneurs to provide for strong local food economies that promote self-sufficiency and job growth in the agricultural sector and allied sectors of the economy. Creates coordinator position and fund to promote production of Iowa-grown food.	● Iowa-grown; Iowa-produced	Not explicitly defined, but used with reference to a non-exhaustive list of food products and processing activities.
	Iowa Code § 73.1	● Establishes a preference for Iowa products if all else equal. Does not apply to a school district purchasing food while the school district is participating in the federal school lunch or breakfast program.	● Products and provisions grown within the state of Iowa	Not defined
	Iowa Code §§ 190A.1-190A.4	● Establishes farm to school program to encourage and promote the purchase of locally and regionally produced or processed food in order to improve child nutrition and strengthen local and regional farm economies. Focused on fresh and minimally processed food.	● ● Iowa farms; locally or regionally produced food	Not defined
Kansas	None	N/A	● N/A	N/A
Kentucky	Ky. Rev. Stat. §§ 260.016 - .019	● Establishes the "Kentucky Proud" branding program. Allows for a \$100 civil penalty for violations of use of the label.	● Kentucky-grown agricultural product	Defined as any agricultural product grown, raised, produced, processed, or manufactured in Kentucky

- KEY**
- Farm-to-school or other institution programs
 - No term/law
 - Government procurement programs
 - "Local" as relevant term
 - Other local food support efforts
 - "In state" as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Louisiana	La. Stat. Ann. § 17:195.1	● Establishes farm to school program to provide school children with fresh and minimally processed agricultural products for inclusion in school meals and snacks, promote healthy eating habits, and increase the market for locally produced fruits, vegetables, and other agricultural products.	● Local; locally grown or raised; locally produced; local and regionally produced	Not defined
	La. Stat. Ann. § 38:2251	● Sets 10% price preference for products produced or manufactured in Louisiana. Bid requires certification of origin. Produce shall be produced in Louisiana and produce products shall be produced and processed in Louisiana. Also specifications for eggs, meat, seafood.	● Louisiana products	Defined as products manufactured, processed, produced, or assembled in Louisiana
Maine	Me. Stat. tit. 7 §§ 281-286	● Grants home rule authority to municipalities regarding direct producer-to-consumer transactions through Maine Food Sovereignty Act.	● Locally produced	Not defined
	Me. Stat. tit. 7 § 219	● Requires purchases for emergency or supplemental food for elderly or low-income persons be from in-state sources to the extent practicable.	● Local	Not explicitly defined, but used in context to refer to food that is grown, harvested, prepared, processed or produced in the State

- KEY**
- Farm-to-school or other institution programs
 - No term/law
 - Government procurement programs
 - “Local” as relevant term
 - Other local food support efforts
 - “In state” as relevant term

STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
	Me. Stat. tit. 20-A § 6602(12),(13)	● Establishes matching fund for school purchases of local produce. Provides training for food preparers to use local food and local procurement; contingent on federal grant funds.	● Local food	Defined as food produced or harvested by a Maine food producer, unless context otherwise indicates
	Me. Stat. tit. 7 § 443-A	● Prohibits farm produce sold or offered for sale within the State from being labeled or advertised as "native," "native-grown," "locally grown" or by similar designation unless that product was actually grown in the state. State may request proof from vendors; violation is subject to \$200-\$300 penalty.	● Native, native-grown, locally grown, or a similar designation	Not defined, but used in context to mean grown in the state.
	Me. Stat. tit. 7 §§ 211, 212, 214-A, 215-A, 218-A	● Sets target for all state institutions to purchase 20% Maine food or food products by 2025. Progress must be reported in a biennial report to the legislature. Rules must establish a baseline of Maine food products procured by dollars spent.	● Maine food producer	Defined as any person who is a resident farmer, person who fishes commercially, or processor of food grown or harvested in the State
	Me. Stat. tit. 7 § 401-B (6)	● Establishes requirement for developing a method and research to estimate the percentage of food consumed in Maine that is produced within Maine. consumption of Maine-produced food. Require biennial updating and submission of a report of the legislature.	● Maine-produced food	Not defined

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STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Maryland	Md. Code Ann. Agric. §§ 10-1701 - 1702	● Requires agricultural products advertised or identifying as Locally Grown disclose the place of origin, naming the state where the product was originally grown or raised, including the term "regional"	● Local, locally grown, including "regional"	Not defined, but if used, place of origin must be disclosed; see also Md. Code Regs. 15.01.09.03
	Md. Code Ann. State Fin. & Proc. § 14-407	● Requires state schools and facilities to establish a price preference, not to exceed 5%, for locally grown foods	● Local-ly grown food	Defined as food grown in the state
	Md. Code Ann. Agric. § 10-1601	● Establishes farm to school program, which includes purpose of promoting sale of farm products grown in Maryland to public schools; requires annual reporting on purchasing	● Grown in the State	Not defined, though farm products defined
Massachusetts	Mass. Gen. Laws ch. 7, § 23B	● Requires state agencies, colleges, and universities to prefer food products grown in the commonwealth, including products produced using locally-grown products, and establishes a price preference of no more than 10%.	● ● Grown in the commonwealth; local-ly-grown products	Not defined, but used to refer to products of agriculture grown or produced using products grown in the commonwealth
	Mass. Gen. Laws ch. 30B § 20	● Allows a governmental body to give up to 10% price preference for agricultural products grown, or produced using products grown in the commonwealth.	● In the commonwealth	Not defined

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STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Michigan	Mich. Comp. Laws § § 388.841 - 388.844	● Establishes farm to school program to encourage purchasing of local farm products; creates coordinator position.	● Local foods, local farm products	Not defined
	Mich. Comp. Laws § 388.1631f	● Gives preference to food grown or produced by Michigan businesses if of comparable quality and competitively priced for school breakfast programs	● Grown or produced by Michigan businesses	Not defined
	Mich. Comp. Laws § 388.1631J	● Allocates funding for school districts and sponsors of childcare centers to receive reimbursement of up to 10 cents per meal; must show receipts and report quantities of different Michigan-grown fruits, vegetables, and legumes purchased, the amount of money spent on each of these products, the name and Michigan location of the farm that grew the products, and the methods or plans to market and promote the program.	● ● Locally-grown; grown in the state; Michigan-grown	Not defined, but used to refer to fruits, vegetables, and legumes that are whole, or if minimally processed, are also processed in this state.
Minnesota	Minn. Stat. § 16C.12	● Encourages procurement efforts to make a reasonable attempt to identify and purchase food products grown in the state.	● Grown in the state	Not defined

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STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Mississippi	Miss. Code Ann. § 69-1-353	● Establishes an interagency farm to school council that has been repealed; however, definitions section was not repealed.	● Locally grown or locally raised agricultural products	Defined as any food products grown on Mississippi farms or gardens, and includes, but is not limited to, fruits, vegetables, and nuts grown in Mississippi, meat, poultry, eggs, dairy, fish, seafood and other aquatic products produced in Mississippi, and products processed into value-added products that are grown or produced in Mississippi
	Miss. Code Ann. § 31-7-15	● Sets a preference for in-state products when other factors related to price, quality, and service are equal when awarding contracts for commodities	● Grown, processed, or manufactured within this state	Not defined
Missouri	Mo. Rev. Stat. § 262.900	● Allows municipalities to establish urban agricultural zones (UAZ).	● Locally grown	Defined as a product that was grown or raised in the same county or city not within a county in which the UAZ is located or in an adjoining county or city not within a county. For a product raised or sold in a city not within a county, locally grown also includes an adjoining county with a charter form of government with more than nine hundred fifty thousand inhabitants and those adjoining said county

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STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
	Mo. Rev. Stat. §§ 262.960 - 962	● Establishes voluntary farm to table program with the goal for participating institutions to purchase 10% local products by 2019.	● Locally grown agricultural products	Defined as food or fiber produced or processed by a small agribusiness or small farm, with a small business defined as one located in Missouri with gross annual sales of less than five million dollars; and a small farm defined as a family-owned farm or family farm corporation located in Missouri with less than two hundred fifty thousand dollars in gross sales per year.
	Mo. Rev. Stat. § 34.070	● Requires preference for in-state products when other factors are equal.	● Commodities produced, processed, or grown within the state of Missouri	Not defined; “commodities” shall include forest products and bricks or any agricultural product that has been processed or otherwise had value added to it in this state
Montana	Mont. Code Ann. § 18-4-132	● Sets "reasonably exceeds" price preference for Montana-produced food products.	● Montana-produced food products	Not defined
Nebraska	None	N/A	● N/A	N/A
Nevada	None	N/A	● N/A	N/A

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STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
New Hampshire	N.H. Rev. Stat. Ann. § 425:2-a	● Establishes Granite State Farm to Plate Food Policy, which establishes a policy for state agencies to encourage and support local food producers, among other policies and principles.	● Local	Not defined
	N.H. Rev. Stat. Ann. § 426:5	● Makes advertising, labeling, or describing farm products as native, local, locally grown, or locally produced, unlawful unless they were grown or produced in New Hampshire.	● Native, local, locally grown, locally produced	Used to mean a product grown or produced in the state of New Hampshire
New Jersey	N.J. Stat. Ann. § 4:10-25.2	● Allows schools to adopt price preferences for local agricultural and farm products as part of farm to school program	● New Jersey-grown food	Not defined
New Mexico	No permanent law	● Appropriations annually fund the New Mexico Grown Fresh Fruits and Vegetable Grant Program, which enables schools to purchase local foods.	● New Mexico grown	Not defined
New York	N.Y. Agric. & Mkts. Law § 16(5b)(a)	● Establishes a farm to school program to facilitate and promote the purchase of New York farm products by schools, universities and other educational institutions.	● New York farm products	Not defined

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North Carolina	N.C. Gen. Stat. § 115C-264.4	● Enables local school boards to develop policies to maximize, to the extent practicable, purchases of food grown or raised in North Carolina, including price preferences.	● Food grown or raised in North Carolina	Not defined
North Dakota	None	N/A	● N/A	N/A
Ohio	Ohio Admin. Code § 123:5-1-01, 123:5-1-06	● Requires bidders to identify each product that is not an Ohio product; represent that all other products for which prices are submitted are Ohio products; and identify whether the bidder claims to qualify as offering an Ohio product or as having significant Ohio economic presence.	● Ohio products	Defined as products that are mined, excavated, produced, manufactured, raised, or grown in the state by a person where the input of Ohio products, labor, skill, or other services constitutes no less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state.
Oklahoma	2 Okla. Stat. §§ 5-60.1 — 5-60.6	● Establishes the Oklahoma Farm to School Program to emphasize the purchase of locally and regionally produced foods, among other goals.	● Locally and regionally produced foods	Not defined, but used in reference to improving Oklahoma farmers' incomes and access to markets
Oregon	Or. Rev. Stat. § 411.813	● Authorizes a Farm Direct Nutrition Program to provide fresh, unprocessed, locally grown fruits, vegetables, and herbs in supplemental nutrition programs.	● Locally grown	Not defined, but FDNP requirements state that farms must grow, etc. on land in Oregon or a bordering county to sell at a farm stand or farmers market to be authorized to participate

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	Or. Rev. Stat. § 336.431	Provides for grants to fund school purchases of Oregon food products.	● Food produced or processed in this state	Not defined
Pennsylvania	3 Pa. Cons. Stat. §§ 10901 — 10910	● Provides for grants to fund school purchases of, and raise awareness and provide education on, Pennsylvania food products.	● Locally grown foods provided from Pennsylvania farms	Not defined
Rhode Island	44 R.I. Gen. Laws § 44-30-27	● Establishes farm to school income tax credit for 5% cost of state farm products provided to an education agency.	● Produce grown in the state	Not defined
South Carolina	S.C. Code Ann. § 46-3-25	● Establishes a "fresh and minimally processed foods program" to connect South Carolina farm products with South Carolina schools and other institutions (repealed as of July 2018).	● ● Local, locally grown, South Carolina farm products	Not defined
	S.C. Code Ann. § 11-35-1524	● Provides 7% price preference for South Carolina end products in state procurement.	● South Carolina end product	Defined as an end product made, manufactured, or grown in South Carolina; "Grown" means to produce, cultivate, raise, or harvest timber, agricultural produce, or livestock on the land, or to cultivate, raise, catch, or harvest products or food from the water which results in an end product that is locally derived from the product cultivated, raised, caught, or harvested.

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South Dakota	None	N/A	● N/A	N/A
Tennessee	Tenn. Code Ann. § 12-3-1109	● Requires all public education institutions using state funds to purchase meat, meat food products, or meat by-products to give preference to in-state products when all other conditions are equal.	● Producers located within the boundaries of this state	Not defined
	Tenn. Code Ann. § 12-3-1113	● Requires state agency purchases give preference to goods produced or grown in the state, including agricultural products, when all other factors are equal	● Produced or grown in the state	Not defined
Texas	Tex. Agric. Code Ann. § 12.0026	● Establishes an interagency farm-to-school coordination task force to develop and implement a plan to facilitate the availability of locally grown food products in public schools.	● Locally grown food products	Not defined
	Tex. Gov't Code Ann. § 2155.444	● Requires all state agencies to give preference to products produced or grown in Texas, and give preference to agricultural products offered by Texas bidders.	● Agricultural products grown in this state	Not defined, except that agricultural products includes textiles

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	Tex. Educ. Code Ann. § 44.042	● Requires preference for in-state products when other factors are equal.	● Agricultural products produced, processed, or grown in this state	Not defined, except that agricultural products includes textiles
Utah	Utah Code Ann. § 63G-6a-1002	● Gives reciprocal preference to items produced, manufactured, mined, grown, or performed in Utah.	● Produced, manufactured, mined, grown, or performed in Utah	Not defined
Vermont	Vt. Stat. Ann. tit. 6 §§ 4719 - 4724	● Establishes farm to school program with goal of purchasing 50% of food from local or regional sources by 2025.	● Local	Not defined

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	Vt. Stat. Ann. tit. 6 § 2465a	<ul style="list-style-type: none"> ● Defines 'local' for Vt. Consumer Protection General Provisions 	<ul style="list-style-type: none"> ● ● Local, local to Vermont, locally grown or made in Vermont 	<p>The definition is based on the type of food or food product and includes that a product must be grown, tapped, collected, etc. in Vermont. Includes that when a product is processed or a baked good, majority ingredients are from VT, processed in VT or by company HQ'd in VT; "Local," "locally grown or made," and substantially similar terms may be used in conjunction with a specific geographic location provided that the specific geographic location appears as prominently as the term "local" and the representation of origin is accurate. If a local representation refers to a specific city or town, the product shall have been grown or made in that city or town. If a local representation refers to a region with precisely defined political boundaries, the product shall have been grown or made within those boundaries. If a local representation refers to a region that is not precisely defined by political boundaries, then the region shall be prominently described when the representation is made, or the product shall have been grown or made within 30 miles of the point of sale, measured directly point to point.</p>

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	Vt. Stat. Ann. tit. 6 § 909	● Requires preference for products grown or produced in Vermont by the Secretary of Administration, the Commissioner of Buildings and General Services, and any State-funded institutions when all other factors are equal.	● Products grown or produced in Vermont	Not defined
Virginia	Va. Code Ann. § 3.2-102	● Instructs commissioner of agriculture to establish and maintain a farm to school website to facilitate and promote purchases of Virginia farm products by schools and other educational institutions under the jurisdiction of the State Department of Education.	● Virginia farm products	Not defined
Washington	Wash. Rev. Code § 28A.235.170	● Provides grants to state institutions for the purchase of Washington grown products.	● Washington grown	Grown and packed or processed in Washington (defined at Wash. Rev. Code § 15.64.060)
	Wash. Rev. Code § 15.64.060	● Establishes farm to school program, which requires biennial reporting of program activities to the legislature.	● Washington grown	Grown and packed or processed in Washington
Washington, D.C.	D.C. Code § 38-821.01	● Establishes the Healthy Schools Fund to provide reimbursement for portions of qualifying school meals.	● Locally grown	Defined as grown in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia

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STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
	D.C. Code § 38-823.01 - 03	● Requires that public schools serve locally grown, locally processed, and unprocessed foods from growers engaged in sustainable agriculture practices whenever possible. Gives preference to unprocessed agricultural products from DC, MD and VA. Includes a mandatory biennial reporting requirement to provide updates on the program.	● Locally grown, locally processed	Not defined
West Virginia	W. Va. Code § 19-37-2	● Requires all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies and state parks, to purchase at least 5% of its fresh produce, meat and poultry products from in-state producers, as long as such produce, meat and poultry products can be grown or is available from in-state producers.	● In-state producers	Not defined

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STATE	RELEVANT LAW	BRIEF DESCRIPTION	RELEVANT TERM(S)	HOW THE TERM IS USED OR DEFINED
Wisconsin	Wis. Stat. § 93.49	● Establishes farm to school program to connect schools with nearby farms to provide children with locally produced fresh fruits and vegetables, dairy products, and other nutritious, locally produced foods in school breakfasts, lunches, and snacks; help children develop healthy eating habits; provide nutritional and agricultural education; and improve farmers' incomes and direct access to markets.	● Local; locally produced	Not defined
Wyoming	Wyo. Stat. Ann. § 16-6-105	● Provides a 5% materials preferences for Wyoming materials in public purchases. Preference shall be applied in favor of materials that are produced, manufactured or grown in this state, or that are supplied by a resident of the state who is competent and capable to provide the materials within the state of Wyoming.	● Wyoming materials products, which includes Wyoming agricultural products	Not defined, though "agricultural products" defined

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APPENDIX B: SURVEYS OF STATE LAWS ON LOCAL FOOD AND STATE PROCUREMENT

- PolicyLink, Equitable Development Toolkit: Local Food Procurement, (2015)
https://www.policylink.org/sites/default/files/edtk_local-food-procurement.pdf.
- Amanda Essex, et al., Nat'l Conf. of State legislatures, Harvesting Healthier Options: State legislative Trends in Local Foods 2012-2014, (2015)
<https://www.ncsl.org/research/environment-and-natural-resources/state-legislative-trends-in-local-foods-2012-2014.aspx>.
- Claire Fitch & Raychel Santo, John Hopkins Ctr. for a Livable Future, Instituting Change: An Overview of Institutional Food Procurement and Recommendations for Improvement, (2016).
<https://clf.jhsph.edu/sites/default/files/2019-01/Instituting-change.pdf>.
- Alyssa Hartman et al., Regional Trends in New Eng. Farm to Institution Procurement Policy, Farm to Institution New England (FINE) and Vt. L. School Ctr. for Agric. & Food Sys. (CAFS) Report, 4 (Aug. 2019)
<https://www.vermontlaw.edu/sites/default/files/2019-08/Regional%20Trends%20in%20New%20England%20Farm%20to%20Institution%20Procurement%20Policy.pdf>.
- Harv. Food L. & Pol'y Clinic, Increasing Local Food Procurement by Massachusetts State Agencies, (Apr. 2015)
http://www.chlpi.org/wp-content/uploads/2013/12/Increasing-Local-Procurement-by-Massachusetts-State-Agencies_FINAL_FULL-REPORT.pdf.
- Meghan Scully, Colo. Dep't of Pub. Health and Env't, Government Purchasing Preferences that Support Local Farmers: a 50 State Review (2012)
<http://coloradofarmentoschool.org/wp-content/uploads/downloads/2012/11/State-food-procurement-report-FINAL.pdf>.
- Nat'l Farm to School Network & Ctr. for Agric. & Food Sys. at Vt. L. School, State Farm to School Policy Handbook: 2002 - 2018 (June 2019)
<http://www.farmentoschool.org/Resources/State%20Farm%20to%20School%20Policy%20Handbook.pdf>.
- ChangeLab Solutions, State Laws Promoting Use of Locally Grown Food and Agricultural Products in Public Contracts (2011)
https://www.changelabsolutions.org/sites/default/files/LocalFoodsStateLawsTable_FINAL_Rebranded.pdf.
- Nat'l Ass'n of State Procurement Officials, State Preference Repository,
<https://www.naspo.org/research-innovation/state-preference-repository/> (last visited July 2020).

ENDNOTES

- 1 See U.S. DEP'T OF AGRIC., NAT'L AGRIC. STAT. SERVICE, DIRECT FARM SALES OF FOOD; RESULTS FROM THE LOCAL FOOD MARKETING PRACTICES SURVEY (Dec. 2016) [hereinafter *Local Food Survey*], https://www.nass.usda.gov/Publications/Highlights/2016/LocalFoodsMarketingPractices_Highlights.pdf, (reporting that local food sales amounted to \$8.7 billion in 2015); RENÉE JOHNSON & TADLOCK COWAN, CONG. RSCH. SERV., IF11252, 2018 FARM BILL PRIMER: SUPPORT FOR LOCAL FOOD SYSTEMS (June 18, 2019). Sales of local or regionally branded foods direct from farms to consumers, retail markets, food hubs, or institutions increased from \$8.7 billion in 2015 to \$11.8 billion in 2017; See also, U.S. DEP'T OF AGRIC., NAT'L AGRIC. STAT. SERVICE, 2017 CENSUS OF AGRICULTURE (Apr. 2019) [hereinafter 2017 Census of Agriculture], https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_US/st99_1_0002_0002.pdf (comparing the market value of agricultural products sold including landlord's share, food marketing practices, and value-added products between 2017 and 2012 represented by Table 2 of report).
- 2 INDIANA UNIVERSITY, BUYING LOCAL? HIGHER PRICE MEANS HIGHER QUALITY IN CONSUMERS' MINDS, SCIENCEDAILY (July 23, 2019), www.sciencedaily.com/releases/2019/07/190723163948.htm.
- 3 SARAH A. LOW, ET AL., U.S. DEP'T OF AGRIC., ECON. RES. SERVICE, TRENDS IN U.S. LOCAL AND REGIONAL FOOD SYSTEMS, 2,4 (Jan. 2015), https://www.ers.usda.gov/webdocs/publications/42805/51173_ap068.pdf?v=5591.4.
- 4 NAT'L FARM TO SCHOOL NETWORK (NFSN), FACTSHEETS & RESOURCES, STATE OF THE STATES IN FARM TO SCHOOL (Apr. 18, 2019), <http://www.farmtoschool.org/resources-main/state-of-the-states-in-farm-to-school>.
- 5 VIKAS KUMAR ET AL., EXPLORING SHORT FOOD SUPPLY CHAINS FROM TRIPLE BOTTOM LINE LENS: A COMPREHENSIVE SYSTEMATIC REVIEW (Apr. 2019), https://www.researchgate.net/publication/332233856_Exploring_Short_Food_Supply_Chains_from_Triple_Bottom_Line_Lens_A_Comprehensive_Systematic_Review.
- 6 STEVE MARTINEZ ET AL., U.S. DEP'T OF AGRIC., ECON. RES. SERVICE, LOCAL FOOD SYSTEMS: CONCEPTS, IMPACTS, AND ISSUES, 4, 29 (May 2010), https://www.ers.usda.gov/webdocs/publications/46393/7054_err97_1_.pdf?v=0.
- 7 *Id.*
- 8 Press Release, USDA, USDA Unveils the Know Your Farmer, Know Your Food Compass, (Feb. 29, 2012) (Release No. 0072.12, on file with the author, Office of Communications), <https://www.usda.gov/media/press-releases/2012/02/29/usda-unveils-know-your-farmer-know-your-food-compass>.
- 9 Jenny Hopkinson, Local Foods: Red Hot, but Undefined, POLITICO (Apr. 11, 2015), <https://www.politico.com/story/2015/04/agriculture-secretary-tom-vilsack-locally-grown-food-116830>.
- 10 *Id.*
- 11 Nat'l Sustainable Agric. Coalition, A Closer Look at the 2018 Farm Bill: Local Agriculture Market Program, NSAC'S BLOG (Jan. 2019), <https://sustainableagriculture.net/blog/2018-farm-bill-local-agriculture-market-program/>.
- 12 2017 Census of Agriculture, *supra* note 1, at table 2. Table 2 illustrates an increase from \$9,063 to \$21,570. The data also shows a decline in the number of farms selling through direct market channels.
- 13 Wallace Center, Local Food in Government Statistics – National Farm to Institution Metrics Collaboration Webinar, YOUTUBE, slide 7 (May 28, 2019) (Jeffrey K. O'Hara discusses the 2017 Census of Agriculture and local food trends), https://www.youtube.com/watch?v=GyfnKCqOZsA&feature=emb_title.
- 14 *Id.* at slide 9.
- 15 *Id.* at slide 7.
- 16 SARAH A. LOW & STEPHEN VOGEL, U.S. DEP'T OF AGRIC., ECON. RES. SERVICE, DIRECT AND INTERMEDIATED MARKETING OF LOCAL FOODS IN THE UNITED STATES, 7 (Nov. 2007), [HTTPS://WWW.ERS.USDA.GOV/WEBDOCS/PUBLICATIONS/44924/8276_err128_2_.PDF?v=4105](https://www.ers.usda.gov/webdocs/publications/44924/8276_err128_2_.pdf?v=4105).
- 17 Wallace Center, *supra* note 13, at slide 16.
- 18 *Id.* at slide 18.
- 19 *Local Food Survey*, *supra* note 1.
- 20 2017 Census of Agriculture, *supra* note 1.
- 21 See e.g., ALA. CODE § 16-1-46 (1975).
- 22 *Id.*; Agriculture Improvement Act of 2018, Pub. L. No. 115-334 (2018). The Farm Bill funds local agriculture marketing program funds, among other things, local and regional food system infrastructure.
- 23 See e.g., ALASKA STAT. § 36.15.050 (2020) (demonstrating Alaska's preference for Alaska-made products).
- 24 See e.g., KY. REV. STAT. ANN. §§ 260.016 - 260.019 (2012) (legislating "Kentucky Proud," a state-funded branding program to market Kentucky-grown agricultural products).

- 25 Local Foods, NAT’S AGRIC. LIBRARY, U.S. DEP’T OF AGRIC., <https://www.nal.usda.gov/aglaw/local-foods> (last visited February 7, 2021).
- 26 7 U.S.C. § 1932(g)(9)(A)(i).
- 27 7 C.F.R. § 210.21(g).
- 28 Hannah Leighton, *Measuring Up: When, How, and Why to Define “Local”*, FARM TO INSTITUTION NEW ENGLAND: A FALL 2017 BLOG SERIES, (Oct 2, 2017), <https://www.farmtoinstitution.org/blog/measuring-when-how-and-why-define-local>.
- 29 USDA Food Safety and Inspection Service has authority over the safety and labeling of most meat, poultry, and eggs pursuant to the Federal Meat Inspection Act, Poultry Products Inspection Act, and Egg Products Inspection Act; see About FSIS, FOOD SAFETY AND INSPECTION SERV., U.S. DEP’T OF AGRIC, <https://www.fsis.usda.gov/about-fsis>
- 30 The FDA does regulate the use of the term “local” pursuant to the Food Drug and Cosmetics Act prohibition on false and misleading labels; see 21 U.S.C. §§ 331, 343.
- 31 See 21 C.F.R. § 112.3 (defining “qualified end user”).
- 32 *Id.*
- 33 Jenny Hopkinson, *supra* note 9.
- 34 *Id.*
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