

LEGISLATIVE DIGEST

[San Francisco Fire Code - Uncertified Lithium-Ion Battery Ban]

Ordinance amending the San Francisco Fire Code to prohibit the sale, offer, and delivery of lithium-ion batteries and replacement lithium-ion batteries that do not meet specified certification requirements, to any address within San Francisco; establish enforcement processes, and penalties for violations; authorize the City Attorney to seek injunctive and monetary relief and attorneys' fees; and authorize the Fire Department to implement the restriction through rules, forms, and guidance.

Existing Law

There currently is no local law in San Francisco that bans the sale, offer for sale, or delivery of lithium-ion batteries and replacement lithium-ion batteries within San Francisco.

Amendments to Current Law

The ordinance would amend Chapter 3 of the San Francisco Fire Code to add new Section 326, which would prohibit the sale, offer for sale, or delivery of lithium-ion batteries and replacement lithium-ion batteries within San Francisco unless the batteries meet specified safety certification standards. The ordinance is intended to reduce fire and explosion risks associated with uncertified lithium-ion batteries, particularly in the context of San Francisco's dense housing, high-rise structures, and heightened vulnerability to fire events.

Section 326 would include the following key provisions:

- It would add a definition of "Certified Lithium-Ion Battery," defined as a battery used in a powered mobility device (including replacement batteries) that meets safety standards UL 2849, UL 2272, UL 2271, or an equivalent standard approved by the Fire Department.
- It would prohibit any person or business from selling, offering for sale, or delivering powered mobility devices or replacement batteries to any person or address within San Francisco unless the device or battery uses a certified lithium-ion battery and the certification information (logo, wordmark, or name of the accredited testing laboratory) is displayed on the product packaging, accompanying documentation, or directly on the device or battery.
- The ordinance would impose penalties such that each prohibited sale, offer, or delivery constitutes a separate violation. Administrative penalties would be set at \$500 for a first violation and \$1,000 for each subsequent violation committed within one year of the last.

- The Fire Chief or their designee would be granted enforcement authority, and the City Attorney may independently initiate civil actions for injunctive or monetary relief, regardless of Fire Department enforcement activity.
- The City Attorney may recover reasonable attorneys' fees if the City prevails.
- The Fire Chief may issue rules, forms, and guidance necessary to implement and enforce Section 326.

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