

1 [Prohibiting Sale of Tobacco Products on Property Owned By or Under the Control of the City
2 and County of San Francisco.]

3 **Ordinance amending the San Francisco Health Code by adding Article 19K,**
4 **Sections 1010 through 1010.4, to prohibit sales of tobacco products on property owned**
5 **by or under the control of the City and County of San Francisco.**

6 Note: Additions are *single-underline italics Times New Roman*;
7 deletions are *strikethrough italics Times New Roman*.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Health Code is hereby amended by adding Section
11 1010 through 1010.4 and Article 19K, to read as follows:

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13 **ARTICLE 19K: PROHIBITING SALES OF TOBACCO PRODUCTS**

14 **ON PROPERTY OWNED BY OR UNDER THE CONTROL OF THE CITY AND COUNTY OF**
15 **SAN FRANCISCO**

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17 **SEC. 1010. DEFINITIONS.**

18 *(a) "Person" shall mean any individual person, firm, partnership, association, corporation,*
19 *company, organization, or legal entity of any kind.*

20 *(b) "Tobacco Product" shall mean any substance containing tobacco leaf, including but not*
21 *limited to cigarettes, cigars, pipe, tobacco, snuff, chewing tobacco, and dipping tobacco.*

22 *(c) "Director" shall mean the Director of the Department of Public Health or his or her*
23 *designee.*

1 **SEC. 1010.1. PROHIBITION AGAINST TOBACCO PRODUCT SALES ON PROPERTY OWNED**
2 **BY OR UNDER THE CONTROL OF THE CITY.**

3 *No person shall sell tobacco products on property owned by or under the control of the City*
4 *and County of San Francisco, except as provided in Section 1010.2. All leases, permits or agreements*
5 *awarded by the City and County of San Francisco allowing any person to use City property for retail*
6 *purposes shall specifically provide that there shall be no sale of tobacco products on such City*
7 *property.*

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9 **SEC. 1010.2. EXCEPTIONS.**

10 *The prohibition against tobacco sales on property owned by or controlled by the City in Section*
11 *1010.1 shall not apply where its application would impair a lease, permit or use agreement to which*
12 *the City is a party on the effective date of this ordinance. The City shall not enter into, renew, extend*
13 *or materially amend a lease, permit or use agreement for the use of City property after the effective*
14 *date of this ordinance that does not incorporate the prohibition set forth in Section 1010.1.*

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16 **SEC. 1010.3. PENALTIES AND ENFORCEMENT.**

17 *Administrative penalties for violation of the prohibition set forth in Section 1010.1 shall be*
18 *assessed and collected by the Director in accordance with San Francisco Administrative Code Chapter*
19 *100, which is hereby incorporated by reference.*

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21 **SEC. 1010.4. PREEMPTION.**

22 *In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights*
23 *or authority of the State to do those things that are required, directed, or expressly authorized by*

1 federal or state law. Further, in adopting this Article, the Board of Supervisors does not intend to
2 prohibit that which is prohibited by federal or state law.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 Terence J. Howzell
8 Deputy City Attorney

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