

BOARD of SUPERVISORS



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## MEMORANDUM

PUBLIC SAFETY & NEIGHBORHOOD SERVICES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Eric Mar, Chair  
Public Safety & Neighborhood Services Committee

FROM: Derek Evans, Assistant Clerk

DATE: April 17, 2015

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, April 21, 2015

The following file should be presented as a COMMITTEE REPORT at the Board meeting, Tuesday, April 21, 2015. This item was acted upon at the Public Safety & Neighborhood Service Committee Regular Meeting on Thursday, April 16, 2015, at 2:00 p.m., by the votes indicated.

**Item No. 5                      File No. 150242**

Ordinance amending the Health Code to ban the use of smokeless tobacco products in stadiums, sports arenas, and playing fields; amending the definition of tobacco product to include a device or any portion of a device used to consume tobacco products; and making environmental findings.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**

Vote: Supervisor Eric Mar - Aye  
Supervisor David Campos - Aye  
Supervisor Julie Christensen - Absent

**RECOMMENDED AS AMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Eric Mar - Aye  
Supervisor David Campos - Aye  
Supervisor Julie Christensen - Absent

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Legislative Deputy  
Jon Givner, Deputy City Attorney

File No. 150242

Committee Item No. 5

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Public Safety & Neighborhood Services Date April 16, 2015

Board of Supervisors Meeting Date April 21, 2015

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
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Completed by: Derek Evans Date 4/10/15

Completed by: Derek Evans Date 4/17/15

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document can be found in the file.

Member, Board of Supervisors  
District 1  
市參議員、第一區



City and County of San Francisco  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2015 APR 10 PM 12:25

ERIC MAR  
馬兆光

*EL*

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DATE: April 10, 2015  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor Eric Mar  
RE: Public Safety & Neighborhood Services Committee  
COMMITTEE REPORT

---

A large, stylized handwritten signature in black ink, consisting of the letters 'E' and 'L'.

Pursuant to Board Rule 4.20, as Chair of the Public Safety & Neighborhood Services Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on April 21, 2015, as a Committee Report:

**150242 Health Code - Ban on Smokeless Tobacco Use - Defining Tobacco Product to Include Devices for Using Tobacco**

Ordinance amending the Health Code to ban the use of smokeless tobacco products in stadiums, sports arenas, and playing fields; amending the definition of tobacco product to include a device or any portion of a device used to consume tobacco products; and making environmental findings.

This matter will be heard in the Public Safety & Neighborhood Services Committee Regular Meeting on April 16, 2015, at 2:00 p.m.

1 [Health Code - Ban on Smokeless Tobacco Use; Defining Tobacco Product to Include  
2 Devices for Using Tobacco]

3 **Ordinance amending the Health Code by banning the use of smokeless tobacco**  
4 **products in stadiums, sports arenas, and playing fields, and amending the definition of**  
5 **tobacco product to include a device or any portion of a device used to consume**  
6 **tobacco products; and making environmental findings.**

7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

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

15 Section 1. The Planning Department has determined that the actions contemplated in  
16 this ordinance comply with the California Environmental Quality Act (California Public  
17 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
18 Board of Supervisors in File No. 150242 and is incorporated herein by reference.

19 Section 2. The Health Code is hereby amended by adding Article 19O, consisting of  
20 Sections 19O.1 through 19O.10, to read as follows:

21  
22 **SEC. 19O.1. FINDINGS.**

23 Public health authorities, including the Surgeon General and the National Cancer Institute,  
24 have found that smokeless tobacco use is hazardous to health and can easily lead to nicotine addiction.  
25 The National Cancer Institute states that chewing tobacco and snuff contain 28 cancer-causing agents

1 and the U.S. National Toxicology Program has established smokeless tobacco as a “known human  
2 carcinogen.”

3 The National Cancer Institute and the International Agency for Research on Cancer report that  
4 use of smokeless tobacco causes oral, pancreatic, and esophageal cancer; and may also cause heart  
5 disease, gum disease, and oral lesions other than cancer, such as leukoplakia (precancerous white  
6 patches in the mouth).

7 Youth participation in sports has many health benefits including the development of positive  
8 fitness habits, reducing obesity, and combating the epidemic of early onset diabetes. 45 percent of all  
9 American youth play in an agency-sponsored sports league such as Little League baseball or Pop  
10 Warner football—that figure represents 22 million children each year who are influenced by actively  
11 participating in organized sporting events.

12 But youth players and spectators are also vulnerable to developing a potentially deadly habit,  
13 the use of smokeless tobacco. Smokeless tobacco is strongly associated with playing sports particularly  
14 with a legacy of decades of association with baseball through marketing tie-ins and regular use of the  
15 product by players. In a 2012 report, the Centers for Disease Control and Prevention (CDC) concluded  
16 that, “Athletes serve as role models for youth, and smokeless tobacco manufacturers have used  
17 advertising, images, and testimonials featuring athletes and sports to make smokeless tobacco products  
18 appear attractive to youth. Children and teens closely observe athletes’ actions, including their use of  
19 tobacco products, and are influenced by what they see. Adolescents tend to mimic the behaviors of  
20 those they look up to and identify with, including baseball players and other athletes.”

21 In a letter to former Major League Baseball Commissioner Bud Selig following the 2014 death  
22 of baseball icon Tony Gwynn due to salivary gland cancer, nine leading health care organizations,  
23 including the American Medical Association, American Cancer Society, American Lung Association,  
24 American Heart Association, Campaign for Tobacco-Free Kids, and American Dental Association,  
25 stated that, “Use of smokeless tobacco endangers the health of major league ballplayers. It also sets a

1 terrible example for the millions of young people who watch baseball at the ballpark or on TV and  
2 often see players and managers using tobacco.”

3 Professional and college football players as well as those participating in wrestling, ice hockey,  
4 and lacrosse also have been shown to use smokeless tobacco products at high rates.

5 The CDC Youth Risk Behavioral Surveillance Report found that nationally 14.7% of high-  
6 school boys and 8.8 % of all high-school students reported using smokeless products in 2013. In San  
7 Francisco, 3.3% of high-school students reported current use of smokeless tobacco in 2013. Each year,  
8 about 415,000 kids nationally ages 12-17 use smokeless tobacco for the first time.

9 Smokeless tobacco products are heavily advertised and promoted, with the top five smokeless  
10 tobacco companies in the U.S. more than tripling their total advertising and marketing expenditures  
11 from 1998 to 2011. The Federal Trade Commission reports that in 2011, these smokeless tobacco  
12 companies spent \$451.7 million to advertise and promote their products.

13 Flavored tobacco products are known to be attractive to youth and flavored smokeless tobacco  
14 products have increased in the market 72% between 2005 and 2011, and contributed to 59.4% of total  
15 growth of the smokeless tobacco market. Smokeless tobacco products are viewed by young adults  
16 positively because they come in flavors and in attractive packaging, and are promoted as recreational,  
17 convenient, concealed, modern, and fun.

18 Tobacco use has been prohibited in minor league baseball games since 1993 and in the  
19 National Collegiate Athletic Association since 1994 (which also adopted a zero-tolerance policy in  
20 2002); the Little League World Series is tobacco-free, and the San Francisco Unified School District  
21 policies prohibit use of tobacco, including smokeless tobacco, during athletic events by players and  
22 coaches since 1996. Nearly 1,000 college campuses nationwide are tobacco-free. Research shows that  
23 students, faculty, and staff looking to stop their nicotine habits are more likely to do so in an  
24 environment that prohibits all tobacco use.

1           The entire University of California system (10 campuses) is tobacco-free and smoke-free,  
2 including athletic fields and stadiums. Sacramento State University, Santa Clara University, and San  
3 Jose State University all have plans in place to become tobacco-free during 2015.

4           The following Major League Baseball stadiums have instituted various forms of tobacco-free  
5 policies: the Milwaukee Brewers at Miller Park, Saint Louis Cardinals at Busch Stadium, the Seattle  
6 Mariners at Safeco Field, and the Cleveland Indians at Progressive Field. AT&T Park in San  
7 Francisco is a smoke-free facility in accordance with Article 19F of the Health Code, which prohibits  
8 smoking anywhere in the ballpark, including vaporized e-cigarette smoking. ~~The Major League~~  
9 Baseball Players Association publically supports banning the use of smokeless tobacco products as  
10 a means of protecting the health of their players and youth. ~~the public.~~

11           Use of smokeless tobacco can also interfere with the enjoyment of spectators and others using  
12 sports fields. Users of two forms of smokeless tobacco, snuff and chewing tobacco, let the tobacco sit in  
13 their mouth while they suck on the tobacco juices, spitting often to get rid of the saliva that builds up  
14 creating unsightly and offensive conditions for others.

15           Research supports that changing policy, environment, and social norms regarding smokeless  
16 tobacco use can positively influence young people and reduce use. Coaches and players at all levels,  
17 especially professionals, can become positive role-models to young players by reducing and/or ceasing  
18 their use, reinforcing existing smokeless tobacco bans, and participating in educating youth on the  
19 health risks of smokeless tobacco.

20           **SEC. 190.2. DEFINITIONS.**

21           “Director” means the Director of Health or his or her designee.

22           “School” means a public or private middle, junior high or high school, or a school  
23 combining some or all of the above school grades, or a college or university.

24           “Tobacco Product” means (1) any product containing, made, or derived from tobacco or  
25 nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed.

1 dissolved, inhaled, snorted, or sniffed, or ingested by any other means, including, but not limited  
2 to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, bidis or snuff; (2) any device  
3 or component, part, or accessory that delivers nicotine alone or combined with other substances to the  
4 person using the device including but not limited to electronic cigarettes, cigars, or pipes, or hookah,  
5 whether or not the device or component is sold separately. "Tobacco Product" does not include  
6 any product that has been approved by the United States Food and Drug Administration for use as a  
7 tobacco cessation product or for other therapeutic purposes where such product is marketed and  
8 sold solely for such an approved purpose.

9 **SEC. 190.3. PROHIBITING THE USE OF TOBACCO PRODUCTS AT ATHLETIC**  
10 **VENUES.**

11 (a) The use of Tobacco Products is prohibited on all properties that are if (1) the property is  
12 designated or otherwise identified as being a sport or playing field for organized sports and (2)  
13 subject to the prohibition on smoking contained in is prohibited at the location by Article 19I of  
14 the Health Code, "Prohibiting Smoking in City Park and Recreational Areas and Farmers' Markets,"

15 (b) No owner, manager, or operator of a The use of Tobacco Products is prohibited if  
16 the property is a "sports arena" including stadiums as defined in Article 19F of the Health Code  
17 shall knowingly or intentionally permit, and no person on the premises shall engage in the use  
18 of tobacco products in any enclosed or open part of the sports arena.

19 **SEC. 190.4. RULES AND REGULATIONS.**

20 The Director, after a noticed public hearing and consultation with the Director of the  
21 Recreation and Park Commission, may adopt rules and regulations to carry out the provisions of this  
22 Article 19O.

23 **SEC. 190.5. ENFORCEMENT.**

24 (a) Any person who violates this Article 19O is subject to enforcement under Article 19I of  
25 the Health Code Violations of Section 190.3(a) that occur on where the property is owned or

1 under the jurisdiction of the City, including but not limited to the Recreation and Park  
2 Commission, are subject to the enforcement provisions, remedies and fines set forth in Article  
3 19I of the Health Code.

4 (b) Violations of Section 190.3(b) are subject to the enforcement provisions, penalties,  
5 remedies and fines set forth in Use of smokeless tobacco products where prohibited on  
6 property other than locations covered by Section 190.3(a) shall be enforced under Article 19F  
7 of the Health Code.

8 **SEC. 190.6. SIGNS.**

9 Any person who owns, operates, or manages property subject to this Article 190 is required to  
10 post clear and prominent “no use of smokeless tobacco products” signs at each entrance to the  
11 property. The Director shall specify the contents, size, and any other information that he or she  
12 believes necessary in the Rules and Regulations issued under this Article.

13 **SEC. 190.7. PREEMPTION.**

14 Nothing in this Article 190 shall be interpreted or applied as to create any requirement, power,  
15 or duty in conflict with any federal or state law.

16 **SEC. 190.8. SEVERABILITY.**

17 If any section, subsection, sentence, clause, or phrase, or word of this Article 190, or any  
18 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
19 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining  
20 portions or applications of the Article. The Board of Supervisors hereby declares that it would have  
21 passed this Article and each and every section, subsection, sentence, clause, phrase, and word not  
22 declared invalid or unconstitutional without regard to whether any other portion of this Article or  
23 application thereof would be subsequently declared invalid or unconstitutional.

24 **SEC. 190.9. UNDERTAKING FOR THE GENERAL WELFARE.**

1 In enacting and implementing this Article 19O, the City is assuming an undertaking only to  
2 promote the general welfare. It is not assuming nor is it imposing on its officers and employees an  
3 obligation for breach of which it is liable in money damages to any person who claims that such breach  
4 proximately caused injury.

5 **SEC. 19O.10. OPERATIVE DATE.**

6 This Article 19O shall become operative on January 1, 2016.

7 Section 3. The Health Code is hereby amended by revising Article 19F, Section  
8 1009.22, to read as follows:

9 **ARTICLE 19F: PROHIBITING SMOKING IN ENCLOSED AREAS,**  
10 **CERTAIN UNENCLOSED AREAS, AND SPORTS STADIUMS**

11 \* \* \* \*

12 **SEC.1009.22. PROHIBITING SMOKING IN BUILDINGS, CERTAIN VEHICLES,**  
13 **CERTAIN UNENCLOSED AREAS, ~~AND~~ ENCLOSED STRUCTURES CONTAINING**  
14 **CERTAIN USES, AND ~~CERTAIN AREAS OF~~ SPORTS STADIUMS.**

15 \* \* \* \*

16 (b) No owner, manager, or operator shall knowingly and intentionally permit, and no  
17 person on the premises shall engage in, the smoking of tobacco products in any enclosed or  
18 open space at a sports stadium, ~~except in (1) ramps outside seating areas, (2) private suites and~~  
19 ~~corridors to private suites and corridors to private suites, and (3) areas designated for parking. Any~~  
20 ~~portion of a sports stadium used as a bar, restaurant, or service area shall be governed by this Article.~~  
21 ~~For purposes of this subsection, a sports stadium means a facility which has a seating capacity of at~~  
22 ~~least 30,000 people.~~

23 \* \* \* \*

24 Section 4. The Health Code is hereby amended by revising Article 19H, Section  
25 19H.2, to read as follows:

1                                   **ARTICLE 19H: PERMITS FOR THE SALE OF TOBACCO**

2                                   \* \* \* \*

3                                   **SEC. 19H.2. DEFINITIONS.**

4                                   \* \* \* \*

5                                   “Tobacco Product” means (1) any product containing, made, or derived from tobacco or  
6 nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed,  
7 dissolved, inhaled, snorted, or sniffed, or ingested by any other means, including, but not limited  
8 to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, bidis or snuff; (2) any device  
9 or component, part, or accessory that delivers nicotine alone or combined with other substances to the  
10 person using the device including but not limited to electronic cigarettes, cigars, or pipes, or hookah,  
11 whether or not the device or component is sold separately. “Tobacco Product” does not include  
12 any product that has been approved by the United States Food and Drug Administration for use as a  
13 tobacco cessation product or for other therapeutic purposes, where such product is marketed and  
14 sold solely for such an approved purpose.

15                                   \* \* \* \*

16                                   Section 5. Effective and Operative Dates. This ordinance shall become effective 30  
17 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
18 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
19 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This ordinance shall  
20 become operative on January 1, 2016.

21                                   Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:   
7 ALEETA M. VAN RUNKLE  
8 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Health Code - Ban on Smokeless Tobacco Use - Defining Tobacco Product to Include Devices for Using Tobacco]

**Ordinance amending the Health Code to ban the use of smokeless tobacco products in stadiums, sports arenas, and playing fields; amending the definition of tobacco product to include a device or any portion of a device used to consume tobacco products; and making environmental findings.**

### Existing Law

Article 19 of the Health Code prohibits smoking, including the use of electronic cigarettes, in sports arenas, fields, parks and stadiums with a few exceptions.

### Amendments to Current Law

The proposed ordinance would add Article 19O to the Health Code to include a prohibition on the use of smokeless tobacco products in sports arenas, fields, parks and stadiums. The ordinance amends the definition of "Stadium" to include all portions of a stadium.

The proposed ordinance also amends the definition of tobacco product to mean any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, or sniffed and includes any device or component, part, or accessory that delivers nicotine or other substances to the person using the device including but not limited to electronic cigarettes, cigars, pipes, or hookah. Tobacco Products does not include any product that has been approved by the United States Food and Drug Administration for use as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

### Background Information

Public health authorities, including the Surgeon General and the National Cancer Institute, have found that smokeless tobacco use is hazardous to health and can easily lead to nicotine addiction. The National Cancer Institute states that chewing tobacco and snuff contain 28 cancer-causing agents and the U.S. National Toxicology Program has established smokeless tobacco as a "known human carcinogen."

The National Cancer Institute and the International Agency for Research on Cancer report that use of smokeless tobacco causes oral, pancreatic and esophageal cancer; and may also cause heart disease, gum disease, and oral lesions other than cancer, such as leukoplakia (precancerous white patches in the mouth).

Youth players and spectators are also vulnerable to developing a potentially deadly habit, the use of smokeless tobacco. Smokeless tobacco is strongly associated with playing sports particularly with a legacy of decades of association with baseball through marketing tie-ins and regular use of the product by players. The Centers for Disease Control and Prevention (CDC) concluded that, "Athletes serve as role models for youth, and smokeless tobacco manufacturers have used advertising, images, and testimonials featuring athletes and sports to make smokeless tobacco products appear attractive to youth. Children and teens closely observe athletes' actions, including their use of tobacco products, and are influenced by what they see. Adolescents tend to mimic the behaviors of those they look up to and identify with, including baseball players and other athletes."

In a letter to former Major League Baseball Commissioner Bud Selig following the 2014 death of baseball icon Tony Gwynn due to salivary gland cancer, nine leading health care organizations, including the American Medical Association, American Cancer Society, American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, and the American Dental Association, stated that, "Use of smokeless tobacco endangers the health of major league ballplayers. It also sets a terrible example for the millions of young people who watch baseball at the ballpark or on TV and often see players and managers using tobacco."

Smokeless tobacco products are heavily advertised and promoted, with the top five smokeless tobacco companies in the U.S. more than tripling their total advertising and marketing expenditures from 1998 to 2011. The Federal Trade Commission reports that in 2011, these smokeless tobacco companies spent \$451.7 million to advertise and promote their products.

Tobacco use has been prohibited in minor league baseball games since 1993 and in the National Collegiate Athletic Association since 1994 (they also adopted a zero-tolerance policy in 2002); the Little League World Series is tobacco-free, and the San Francisco Unified School District policies prohibit use of tobacco, including smokeless tobacco, during athletic events by players and coaches since 1996. Nearly 1,000 college campuses nationwide are tobacco-free. Research shows that students, faculty and staff looking to stop their nicotine habits are more likely to do so in an environment that prohibits tobacco use.

The entire University of California system (10 campuses) is tobacco-free and smoke-free, including athletic fields and stadiums. Sacramento State University, Santa Clara University, and San Jose State University all have plans in place to become tobacco-free during 2015.

The following Major League Baseball stadiums have instituted various tobacco-free policies: the Milwaukee Brewers at Miller Park, Saint Louis Cardinals at Busch Stadium, the Seattle Mariners at Safeco Field, and the Cleveland Indians at Progressive Field. San Francisco Giants at AT&T Park is a smoke-free facility as required by San Francisco City Ordinance and prohibits smoking anywhere in the ballpark, including vaporized e-cigarette smoking. The Major League Players Association publically supports banning the use of smokeless tobacco products as a means of protecting the health of their players and the public.

Use of smokeless tobacco can also interfere with the enjoyment of spectators and others using sports field. Users of two forms of smokeless tobacco, snuff and chewing tobacco, let the tobacco sit in their mouth while they suck on the tobacco juices, spitting often to get rid of the saliva that builds up creating unsightly and offensive conditions for others.

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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

March 16, 2015

File No. 150242

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On March 10, 2015, Supervisor Farrell introduced the following legislation:

**File No. 150242**

**Ordinance amending the Health Code to ban the use of smokeless tobacco products in stadiums, sports arenas, and playing fields; amending the definition of tobacco product to include a device or any portion of a device used to consume tobacco products; and making environmental findings.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to be "Derek Evans".

By: Derek Evans, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2015.03.20 09:50:05 -07'00'

**Evans, Derek**

---

**From:** Caldeira, Rick (BOS)  
**Sent:** Friday, April 17, 2015 6:14 AM  
**To:** Evans, Derek  
**Subject:** Fwd: Coalition letter in support of file number 150242  
**Attachments:** Tobacco Free Kids Coalition Letter 4-16-2015.pdf; ATT00001.htm

**From:** "Calvillo, Angela (BOS)" <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>  
**Subject:** FW: Coalition letter in support of file number 150242

For the file please.  
AC

From: David Noyola [<mailto:dgn@platinumadvisors.com>]  
Sent: Thursday, April 16, 2015 12:54 PM  
To: Mar, Eric (BOS); Campos, David (BOS); Christensen, Julie (BOS)  
Cc: Farrell, Mark (BOS); Montejano, Jess (BOS); Calvillo, Angela (BOS)  
Subject: Coalition letter in support of file number 150242

Chair Mar,

Please find attached a letter from a coalition of groups in support of the proposed ban on smokeless tobacco use on playfields, file number 150242, on today's Public Safety and Neighborhood Services Committee agenda.

Thanks very much for your consideration of the ordinance and all your work on this important issue. Please don't hesitate to contact me with any questions.

Best,

David Noyola  
Platinum Advisors  
560 Mission Street, Suite 2800  
San Francisco, CA 94105  
O (415) 955-1100 x4013 | C (415) 812-6479  
[dgn@platinumadvisors.com](mailto:dgn@platinumadvisors.com)<<mailto:dgn@platinumadvisors.com>>



April 16, 2015

San Francisco Board of Supervisors  
City Hall, 1 Carlton B. Goodlett Place  
San Francisco, California 94102

Honorable Board of Supervisors,

The use of smokeless tobacco remains a serious blot on the game of baseball. Smokeless tobacco use by Major League Baseball (MLB) players endangers the health of impressionable youth who follow their lead, as well as the players themselves. We are excited that San Francisco has the opportunity to become the first city in the nation to make baseball completely tobacco-free, by passing Supervisor Mark Farrell's ordinance to prohibit all tobacco-related products – including smokeless tobacco (such as dip, chew and snuff) – at stadiums, sports arenas and playing fields across San Francisco.

Passage of this ordinance will make clear that the health of our youth is a top priority. Such legislation will send a simple and powerful message to kids: baseball and tobacco don't mix. Our national pastime should be about promoting a healthy and active lifestyle, not a product that addicts, sickens and kills.

At the local launch of the Knock Tobacco Out of the Park campaign, one of the youngsters in attendance said that he has friends who "think it's really cool to be like the pros and have a big wad in their mouth." Another 10-year-old Little Leaguer shared, "When I see players on TV chewing tobacco, I am sad and confused. It must be really, really hard to stop, and it would be so great if they were doing something healthier, like eating sunflower seeds or chewing gum."

With sentiments like these, it should come as no surprise that even as smoking among boys has fallen by 25 percent in the last decade, smokeless tobacco use has remained troublingly steady. According to the Centers for Disease Control and Prevention (CDC), in 2013, 14.7 percent of high school boys (and 8.8 percent of all high school students) reported current use of smokeless tobacco products. Each year, about 535,000 kids age 12-17 use smokeless tobacco for the first time.

**Knock Tobacco Out of the Park**  
1400 I Street NW, Suite 1200  
Washington, DC 20005  
[www.tobaccofreebaseball.org](http://www.tobaccofreebaseball.org)



Major league players are idolized by millions of our young people who watch baseball and see players, coaches and managers using tobacco. Baseball must stop creating images that associate tobacco use with masculinity and athleticism – when in fact it is associated with death and disease. The obvious solution is for owners and the players association to agree to a ban, but they have not done so. Since baseball has been unable to address this threat to kids across the country, it is now up to cities and states with major league teams – like San Francisco – to step up to the plate and protect our kids by prohibiting use of all tobacco products, including smokeless tobacco, at baseball venues.

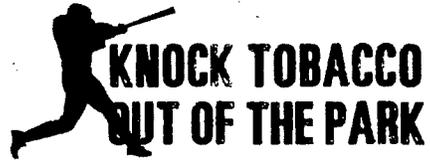
Two shocking events in 2014 should have been enough to convince MLB and its players to remove the indelible stain smokeless tobacco has left on the game. Last June, Hall of Famer Tony Gwynn died at age 54 after a long battle with salivary gland cancer, which he attributed to his longtime use of chewing tobacco. Two months later, pitching great Curt Schilling, only 47, announced his treatment for oral cancer that he said was “without a doubt, unquestionably” caused by 30 years of chewing tobacco.

Tobacco use is the number one preventable cause of death in the United States. Public health authorities, including the U.S. Surgeon General and National Cancer Institute, have found that smokeless tobacco use is hazardous to health and can lead to nicotine addiction. Smokeless tobacco contains at least 28 cancer-causing chemicals and causes oral, pancreatic and esophageal cancer – as well as other health problems.

We are up against some powerful opposition. Smokeless tobacco companies spent \$450 million on marketing in 2011 (the most recent year available), more than three times the amount spent in 1998. Smokeless tobacco use in baseball reinforces the industry’s message that teen boys can’t be real men unless they chew. We need to do our part to counter this deceptive messaging.

The proposed ordinance does not dictate what players can do on their own time in their personal lives, although we would urge players to quit using tobacco for their own health. Baseball stadiums, however, are workplaces and public places. It is totally fitting to limit the use of a harmful substance in that type of venue. While players are on the job – on the field or anywhere in their stadium – they have a responsibility to set the right example for kids. We recognize that this change will pose a challenge for some, so the ordinance specifies that it will not become effective until after the upcoming season is over.

What we are urging is not unprecedented. The minor leagues, the NCAA and the National Hockey League have already instituted prohibitions on tobacco use. Major League Baseball is lagging on this. So for the sake of the children and families who love baseball and look up to their heroes, and for the sake of the health of the players



themselves, we ask that you quickly pass Supervisor Farrell's ordinance and help us take the first step toward create a tobacco-free national pastime.

Earlier efforts to eliminate tobacco from baseball made some strides – including a prohibition on players carrying tobacco tins in their uniforms and using smokeless tobacco during TV interviews. But these restrictions have not eliminated smokeless tobacco use at ballparks – the step that can best prevent young people from ever starting down the road to addiction, disease and premature death. It is time, finally, to take tobacco out of baseball completely. Progress cannot wait.

Sincerely,

Campaign for Tobacco-Free Kids  
American Cancer Society Cancer Action Network  
American Heart Association  
American Lung Association  
California Medical Association  
Breathe California/Golden Gate Public Health Partnership  
San Francisco Parks Alliance  
San Francisco Tobacco-Free Coalition  
San Francisco Medical Society  
San Francisco Dental Society  
San Francisco Dental Hygiene Society  
San Francisco Young Democrats  
Asian Pacific Democratic Club  
Common Sense Media



SAN  
FRANCISCO  
MEDICAL  
SOCIETY

An advocate for  
Physicians  
and  
their Patients

1003A O'Reilly Ave.  
San Francisco  
California  
94129  
415-561-0850  
FAX 415-561-0833

April 16, 2015

San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr Carlton B Goodlett Place  
San Francisco, CA 94102

**RE: SMOKELESS TOBACCO IN SPORT AND USE AMONG ADOLESCENTS**

Members of the Board of Supervisors:

The San Francisco Medical Society, representing 1,600 San Francisco physicians and physicians-in-training, joins those who urge a ban on tobacco products in our stadiums, sports arenas, and playing fields.

A new summary of research on smokeless tobacco, from our own University of California, San Francisco researchers, lends strong support to such efforts, for the following demonstrated reasons:

- *Smokeless tobacco use substantially increases the risk of oral and pancreatic cancer, gum disease, nicotine addiction, and initiation of cigarette smoking among adolescents.*
- *Nearly 15% of U.S. high school males currently use smokeless tobacco, and use prevalence is higher among high school students who participate in organized sports than among non-athlete peers.*
- *There is little evidence that smokeless tobacco improves athletic performance, yet use among participants in certain sports and athletic events, such as ice hockey, baseball, wrestling, and rodeo, far exceed levels observed in the general population.*
- *Modeling of smokeless tobacco use by family, friends, respected coaches, and elite athletes is strongly associated with smokeless tobacco initiation among adolescent males.*
- *Competitive organized baseball, including professional leagues, exhibits exceptionally high levels of smokeless tobacco use among its players.*
- *On-camera use at the major league level is broadcast to millions of viewers: an implicit product endorsement to children and adolescents.*
- *An environmental context that embraces smokeless tobacco as normative within athletic culture stimulates greater smokeless tobacco initiation and continued use on the part of young male athletes.*

Rec'd in Committee  
File No. 150242  
4/16/15

In addition, there is reason to worry that smokeless tobacco use by young persons may serve as a gateway to cigarette smoking, this nation's leading preventable cause of premature death and disease. Even as cigarette use continues a steady decline among youth, smokeless tobacco use has remained steady. Each year, about 535,000 kids ages 12-17 use smokeless tobacco for the first time.

Based on this and other research, the San Francisco Medical Society joins in calling on local leaders and the community as well as all San Franciscans to support "Knock Tobacco Out of the Park." The proposed legislation will make the game of baseball safer for our kids, safer for the players, and safer for the future. Baseball, our national pastime, is supposed to be a wholly healthy sport—for all involved.

Thank you for your attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger Eng".

Roger Eng, MD, MPH, FACR  
President  
San Francisco Medical Society

**Evans, Derek**

---

**From:** Caldeira, Rick (BOS)  
**Sent:** Wednesday, April 15, 2015 2:29 PM  
**To:** Evans, Derek  
**Cc:** Bruss, Andrea (BOS)  
**Subject:** FW: Co-Sponsorship of File No 150242

Derek,

Please process.

---

**From:** Bruss, Andrea (BOS)  
**Sent:** Wednesday, April 15, 2015 11:29 AM  
**To:** Caldeira, Rick (BOS)  
**Cc:** Montejano, Jess (BOS)  
**Subject:** Co-Sponsorship of File No 150242

Rick –

Please add Supervisor Cohen as a co-sponsor to file no. 150242 [Health Code - Ban on Smokeless Tobacco Use - Defining Tobacco Product to Include Devices for Using Tobacco].

Thanks

Andrea

.....  
Andrea Bruss  
Office of Supervisor Malia Cohen  
(415)554-7672

**Evans, Derek**

---

**From:** Caldeira, Rick (BOS)  
**Sent:** Friday, April 10, 2015 3:24 PM  
**To:** Evans, Derek  
**Subject:** FW: 150242

Please process.

-----Original Message-----

**From:** Power, Andres  
**Sent:** Friday, April 10, 2015 3:24 PM  
**To:** Caldeira, Rick (BOS); BOS Legislation, (BOS)  
**Cc:** Montejano, Jess (BOS)  
**Subject:** 150242

Can you please add Supervisor Wiener as a cosponsor?

Thanks

Andres Power  
Office of Supervisor Scott Wiener  
Board of Supervisors

## Evans, Derek

---

**From:** Montejano, Jess (BOS)  
**Sent:** Friday, April 10, 2015 3:11 PM  
**To:** Burris, Kanishka (BOS); Evans, Derek  
**Cc:** BOS Legislation, (BOS)  
**Subject:** RE: File # 150242 - Health Code - Ban on Smokeless Tobacco Use

Great – looping-in Derek who is the Clerk of the Committee to make the change – thanks for your support!

Thanks,

Jess

Jess Montejano  
Legislative Aide  
Office of Supervisor Mark Farrell  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-7752  
Fax: (415) 554-7843

---

**From:** Burns, Kanishka (BOS)  
**Sent:** Friday, April 10, 2015 3:09 PM  
**To:** Montejano, Jess (BOS)  
**Cc:** BOS Legislation, (BOS)  
**Subject:** File # 150242 - Health Code - Ban on Smokeless Tobacco Use

Jess,

Supervisor Christensen would like to be added as a cosponsor to this ordinance.

Thanks,

Kanishka Burns, AICP  
Legislative Aide  
Office of Supervisor Julie Christensen  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102



(415) 554-7450 | Main  
(415) 554-7454 | Fax  
(415) 554-5227 | TDD/TTY

  | [Board of Supervisors Site](#)

## Evans, Derek

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**From:** BOS Legislation, (BOS)  
**Sent:** Friday, April 10, 2015 8:12 AM  
**To:** Quizon, Dyanna (BOS); Montejano, Jess (BOS); Evans, Derek  
**Cc:** BOS Legislation, (BOS)  
**Subject:** FW: Request to Co-Sponsor File 150242

Good morning,

As this file is already assigned to the PSNS Committee, I'm forwarding your request to Derek Evans to co-ordinate the sponsorship of the matter.

Thanks!

John Carroll  
Legislative Clerk  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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**From:** Quizon, Dyanna (BOS)  
**Sent:** Thursday, April 09, 2015 5:21 PM  
**To:** BOS Legislation, (BOS)  
**Cc:** Montejano, Jess (BOS)  
**Subject:** Request to Co-Sponsor File 150242

Hello:

Supervisor Tang would like to co-sponsor File 150242 - Health Code - Ban on Smokeless Tobacco Use - Defining Tobacco Product to Include Devices for Using Tobacco.

Thank you,  
Dyanna

## Evans, Derek

---

**From:** BOS Legislation, (BOS)  
**Sent:** Thursday, April 09, 2015 1:23 PM  
**To:** Pollock, Jeremy (BOS); Evans, Derek  
**Cc:** Stefani, Catherine; Montejano, Jess (BOS); BOS Legislation, (BOS)  
**Subject:** FW: Avalos to cosponsor 150242

This one is already assigned to PSNS, so I am forwarding your request to Derek Evans for direct response to you.

Thanks,

John Carroll  
Legislative Clerk  
Board of Supervisors  
San Francisco City Hall, Room 244  
San Francisco, CA 94102  
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax  
[john.carroll@sfgov.org](mailto:john.carroll@sfgov.org) | [bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)

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---

**From:** Pollock, Jeremy (BOS)  
**Sent:** Thursday, April 09, 2015 1:21 PM  
**To:** BOS Legislation, (BOS)  
**Cc:** Stefani, Catherine; Montejano, Jess (BOS)  
**Subject:** Avalos to cosponsor 150242

Hi BoS Leg,

Can you please add Supervisor Avalos as a cosponsor to file 150242, the ban on smokeless tobacco use?

Thanks,  
Jeremy

---

Jeremy Pollock  
Legislative Aide

San Francisco Supervisor John Avalos  
(415) 554-7910 direct  
(415) 554-6975 office

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Rm 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Barbara A. Garcia, Department of Public Health  
Regina Dick-Endrizzi, Small Business Commission  
Nicole Wheaton, Office of the Mayor

FROM: Derek Evans, Assistant Committee Clerk

DATE: March 16, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors Public Safety and Neighborhood Services Committee has received the following legislation, which is being referred to your department.

**File No. 150242**

**Ordinance amending the Health Code to ban the use of smokeless tobacco products in stadiums, sports arenas, and playing fields; amending the definition of tobacco product to include a device or any portion of a device used to consume tobacco products; and making environmental findings.**

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Greg Wagner, Department of Public Health  
Colleen Chawla, Department of Public Health

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

**Sponsor(s):**

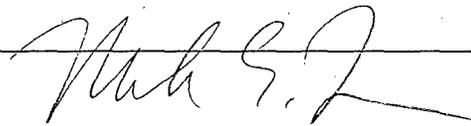
Supervisor Mark Farrell; ~~Supervisor Scott Wiener~~; Supervisor Eric Mar

**Subject:**

Health Code - Ban on Smokeless Tobacco Use; Defining Tobacco Product to Include Devices for Using Tobacco

**The text is listed below or attached:**

Attached

Signature of Sponsoring Supervisor: 

**For Clerk's Use Only:**

150242