

LEGISLATIVE DIGEST

[Banning the Sale of Tobacco Products in Pharmacies]

Ordinance amending the San Francisco Health Code by amending Sections 1009.91 and 1009.92, by repealing Section 1009.93, and by re-numbering Section 1009.94, 1009.95, 1009.96, 1009.97, 1009.98, and 1009.99, as Sections 1009.93, 1009.94, 1009.95, 1009.96, 1009.97, and 1009.98, respectively, all to eliminate the exemptions for General Grocery Stores and Big Box Stores from the general ban on the sale of tobacco products in pharmacies.

Existing Law

The Health Code currently bans the sale of tobacco products in pharmacies, but contains exemptions for general grocery stores and "big box" stores with pharmacies.

Amendments to Current Law

The proposal would amend the Health Code to delete the exemptions for general grocery stores and "big box" stores with pharmacies, thereby extending the ban on the sale of tobacco products to all pharmacies.

Background Information

In *Walgreen Co. v. City and County of San Francisco, et al.*, the Court of Appeal found that it was unreasonable to apply the ban to pharmacies in general, but not to supermarkets and "big box" stores that contain pharmacies. This amendment has been proposed to head off further litigation over the proper remedy in the *Walgreen* case and remove any cloud over ongoing enforcement of the Article.