

File No. 110025

Committee Item No. 3
Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee PUBLIC SAFETY

Date 5/5/11

Board of Supervisors Meeting

Date 5/24/11

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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Completed by: Gail Johnson

Date 4/29/11

Completed by: [Signature]

Date 5/11/11

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

1 [Environment Code - Safe Drug Disposal Information]

2
3 **Ordinance amending the San Francisco Environment Code by adding Sections 2250**
4 **through 2254, to require any business selling prescription drugs to the public to post**
5 **display materials explaining how to safely and lawfully dispose of unused prescription**
6 **drugs; and making environmental findings.**

7 NOTE: Additions are single-underline italics Times New Roman;
8 deletions are strike through italics Times New Roman.
9 Board amendment additions are double-underlined;
Board amendment deletions are strikethrough normal.

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

11 Section 1. The San Francisco Environment Code is hereby amended by adding
12 Sections 2250 through 2254, to read as follows:

13
14 **SEC. 2250. SHORT TITLE.**

15 *This Ordinance shall be entitled the "Safe Drug Disposal Information Ordinance."*

16
17 **SEC. 2251. DEFINITIONS.**

18 *For the purposes of this Ordinance, the following words shall have the following meanings:*

19 *(a) "Business" means a fixed location within the City and County of San Francisco, whether*
20 *indoors or outdoors, at which Prescription Drugs are offered for sale at retail and that is required to*
21 *obtain a valid San Francisco business registration certificate from the San Francisco Tax Collector's*
22 *office.*

23 *(b) "Department" means the Department of the Environment.*

24 *(c) "Director" means the Director of the Department of the Environment.*

25 *(d) "Display materials" means signs, posters or other similar informational materials.*

1 (e) "Prescription drug" means any drug that by federal or state law may be dispensed lawfully
2 only on prescription.

3
4 **SEC. 2252. INFORMATION REQUIRED AT POINT OF SALE.**

5 (a) Beginning ~~December~~ September 1, 2011, any business selling prescription drugs to the
6 public shall post display materials approved by the Director explaining how members of the public may
7 safely and lawfully dispose of unused prescription drugs. The materials shall be in English, Spanish,
8 and Chinese, and legible and easily readable by the average person. The materials shall be posted on
9 the premises of the business in a location visible to the public and adjacent to the area where the
10 prescription drugs are dispensed.

11 (b) The Director may, in his or her discretion, authorize a business to use alternate means to
12 comply with the requirements of subsection (a). The Director shall authorize such alternate means
13 through the adoption of a regulation after a noticed hearing, and no business may sell prescription
14 drugs to the public or offer to sell prescription drugs to the public using any alternate means of
15 compliance with this Chapter unless specifically authorized to do so in advance in writing by the
16 Director.

17 (c) The City urges all persons and entities providing prescription drugs to the public for free to
18 also participate in this program.

19
20 **SEC. 2253. IMPLEMENTATION.**

21 (a) The Director, after a public hearing, may adopt and may amend guidelines, rules,
22 regulations, and forms to implement this Ordinance.

23 (b) By ~~October~~ July 1, 2011, the Department shall issue regulations specifying the contents
24 and format for the display materials required by Section 2252.

1 SEC. 2254. ENFORCEMENT.

2 (a) During the period between the effective date of this Chapter and ~~December~~ September 1,
3 2011, the operative date for compliance, the Department shall develop and conduct an education and
4 assistance program for businesses subject to the Chapter, and shall contact the businesses and assist
5 them with meeting the requirements of the Chapter.

6 (b) Beginning September 1, 2011, the City Administrator shall issue a written warning to any
7 person he or she determines is violating provisions of this Chapter or any regulation issued under this
8 Chapter. If 30 days after issuance of the written warning the City Administrator finds that the person
9 receiving the warning has continued to violate the provisions of the Chapter or any regulation issued
10 under this Chapter, the City Administrator may impose administrative fines as provided below in
11 subsections (c), (d), and (e).

12 (c) Violation of this Chapter or any regulation issued under this Chapter shall be punishable by
13 administrative fines in the amount of:

14 (1) Up to \$100.00 for the first violation;

15 (2) Up to \$250.00 for the second violation within a twelve-month period; and,

16 (3) Up to \$500 for the third and subsequent violations within a twelve-month period.

17 (d) Except as provided in subsection (c), setting forth the amount of administrative fines,
18 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as
19 may be amended from time to time, is hereby incorporated in its entirety and shall govern the
20 imposition, enforcement, collection, and review of administrative citations issued by the City
21 Administrator to enforce this Chapter or any regulation issued under this Chapter. Violation of this
22 Chapter is not a misdemeanor, and the Board of Supervisors intends that the requirements of this
23 Chapter be enforced only through administrative fines as provided in this Section.

1 (e) For purposes of this Chapter, each week that a business sells or offers to sell prescription
2 drugs to the public contrary to the provisions of this Chapter or any regulation issued under this
3 Chapter shall constitute a separate violation.

4
5 **Section 2. General Provisions.**

6 **(a) Severability.** If any section, subsection, sentence, clause, or phrase of this
7 Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of
8 competent jurisdiction, such decision shall not affect the validity of the remaining portions of
9 the Ordinance. The Board of Supervisors hereby declares that it would have passed this
10 Ordinance and each and every section, subsection, sentence, clause, or phrase not declared
11 invalid or unconstitutional without regard to whether any portion of this Ordinance would be
12 subsequently declared invalid or unconstitutional.

13 **(b) No Conflict with State or Federal Law.** Nothing in this ordinance shall be
14 interpreted or applied so as to create any requirement, power, or duty in conflict with any
15 federal or state law.

16 **(c) Undertaking for the General Welfare.** In adopting and implementing this
17 Ordinance, the City and County of San Francisco is assuming an undertaking only to promote
18 the general welfare. It is not assuming, nor is it imposing in its officers and employees, an
19 obligation for breach of which it is liable in money damages to any person who claims that
20 such breach proximately caused injury.

21 / / /

22 / / /

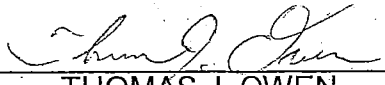
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24 / / /

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1 (d) **Environmental Findings.** The Planning Department has determined that the
2 actions contemplated in this ordinance are in compliance with the California Environmental
3 Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.). Said determination is on file with the
4 Clerk of the Board of Supervisors in File No. 110025 and is incorporated herein by reference.
5

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: 
10 THOMAS J. OWEN
11 Deputy City Attorney
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LEGISLATIVE DIGEST
(Amended in Committee, 5/9/2011)

[Environment Code - Safe Drug Disposal Information Ordinance]

Ordinance amending the San Francisco Environment Code by adding Sections 2250 through 2254, to require any business selling prescription drugs to the public to post display materials explaining how to safely and lawfully dispose of unused prescription drugs, and making environmental findings.

Existing Law

The City does not have any laws requiring businesses that sell prescription drugs to the public to provide their customers with information on how to dispose of unused drugs.

Amendments to Current Law

The proposal would amend the Environment Code to require any business selling prescription drugs to the public to display signs or posters, approved by the Director of the Department of the Environment, explaining how to safely and lawfully dispose of unused prescription drugs. The materials would be in English, Spanish, and Chinese. Businesses would be required to post the signs beginning December 1, 2011.

The City could enforce the requirement through an administrative fine ranging from \$100 to \$500, but the City would first have to give the business a written warning and 30 days to comply.

* * *

The legislation as originally proposed set an operative date for compliance of September 1, 2011. The ordinance was amended in committee to change the date for compliance to December 1, 2011.

BOARD of SUPERVISORS



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

April 14, 2011

File No. 110025

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 APR 29 PM 1:54
BY [Signature]

Bill Wycko,
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On January 11, 2011, Supervisor Mirkarimi introduced the following proposed legislation:

File No. 110025 Ordinance amending the San Francisco Environment Code by adding Sections 2250 through 2254, to require any business selling prescription drugs to the public to post display materials explaining how to safely and lawfully dispose of unused prescription drugs; and making environmental findings.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

By: Victor Young, Committee Clerk
Public Safety Committee

Attachment

cc: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

*4/14 a project per CEQA
Guidelines Sections
15060(c)(3) and 15378.
Nannie T. Turrell
April 14, 2009*

Environmental Review Referral

7/23/09



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

May 10, 2011

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: File No. 110025 [Environment Code - Safe Drug Disposal Information]

Small Business Commission Recommendation: Approval

Dear Ms. Calvillo:

On May 9, 2011, the Small Business Commission voted to recommend approval of Board of Supervisors File No. 110025. The Commission commends the Department of the Environment for their outreach to independent pharmacies and their commitment to a public process in finalizing the printed materials.

The SBC thanks Supervisor Mirkarimi for his informative presentation. The SBC also thanks Marjaneh Zarrehparvar for her background information and for providing additional details on the related voluntary drug take back program, which will utilize independent pharmacies to help address this important issue.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Supervisor Ross Mirkarimi
Jason Elliott, Mayor's Office
Marjaneh Zarrehparvar, Department of the Environment

