

1 [Suspending Sections 468.3 through 468.8 of the Menu Labeling Ordinance.]

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3 **Ordinance amending the San Francisco Health Code by adding Section 468.9, to**
4 **suspend Sections 468.3 through 468.8 of the Menu Labeling Ordinance.**

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

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

9 Section 1. Background

10 (a) In January 2007, State Senator Alex Padilla introduced Senate Bill 120. The
11 proposed bill required chain restaurants in California to display specified nutrition information
12 for all standard menu items directly on menus and menu boards. Although the State
13 Legislature passed the bill, the Governor vetoed it in October 2007.

14 (b) Because the Governor vetoed Senate Bill 120, the Board of Supervisors in March
15 2008 enacted Ordinance No. 40-08, titled Menu Labeling At Chain Restaurants ("Menu
16 Labeling Ordinance"), in order to protect the health of San Franciscans in the face of the
17 serious and growing public health crisis caused by obesity. Ordinance No. 40-08 amended
18 the Health Code to require chain restaurants in San Francisco to display specified nutrition
19 information for standard menu items directly on menus and menu boards. In enacting
20 Ordinance No. 40-08, San Francisco became the first city in the State of California to require
21 such nutritional disclosures.

22 (c) After the enactment of Ordinance No. 40-08, the State Legislature followed San
23 Francisco's lead and passed Senate Bill 1420 on August 30, 2008. Like Senate Bill 120 and
24 Ordinance No. 40-08, Senate Bill 1420 requires chain restaurants to disclose specified
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1 nutrition information for standard menu items. The Governor signed Senate Bill 1420 on
2 September 30, 2008.

3 (d) Because the State Legislature has now acted to protect not only the health of San
4 Franciscans but of all persons in the entire state of California by ensuring consumers have
5 access to the information they need to be able to make nutritional choices consistent with their
6 health needs, the Board of Supervisors has determined that it is appropriate to suspend the
7 Menu Labeling Ordinance.

8 Section 2. The San Francisco Health Code is hereby amended by adding Section
9 468.9, to read as follows:

10 **SEC. 468.9. SUSPENSION OF ORDINANCE.**

11 In order to promote enforcement of Section 114094 of the California Health and Safety Code,
12 the Board of Supervisors suspends Sections 468.3 through 468.8. During the period of suspension,
13 Sections 468.3 through 468.8 shall have no force or effect and shall not be enforced. The Department
14 of Public Health shall take any and all appropriate actions to enforce Section 114094 of the California
15 Health and Safety Code.

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 FRANCESCA GESSNER
20 Deputy City Attorney