

BOARD of SUPERVISORS



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MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448
FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee
DATE: April 15, 2026
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 260359

Ordinance amending the San Francisco Fire Code to prohibit the sale, offer, and delivery of lithium-ion batteries and replacement lithium-ion batteries that do not meet specified certification requirements, to any address within San Francisco; establish enforcement processes, and penalties for violations; authorize the City Attorney to seek injunctive and monetary relief and attorneys' fees; and authorize the Fire Department to implement the restriction through rules, forms, and guidance.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Office of Chair Melgar and Supervisor Mahmood
Kerry Birnbach, Senior Policy Analyst/Commission Secretary

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

___ No Comment
___ Recommendation Attached

Chairperson, Small Business Commission

1 [San Francisco Fire Code - Uncertified Lithium-Ion Battery Ban]

2

3 **Ordinance amending the San Francisco Fire Code to prohibit the sale, offer, and**
 4 **delivery of lithium-ion batteries and replacement lithium-ion batteries that do not meet**
 5 **specified certification requirements, to any address within San Francisco; establish**
 6 **enforcement processes, and penalties for violations; authorize the City Attorney to**
 7 **seek injunctive and monetary relief and attorneys' fees; and authorize the Fire**
 8 **Department to implement the restriction through rules, forms, and guidance.**

9

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

17

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

19

20

21 Section 1. Findings.

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(a) The City and County of San Francisco has a compelling interest in reducing the risk of fires and explosions associated with lithium-ion batteries, particularly those used in powered mobility devices. San Francisco is unique among California communities with respect to the possible causes and effects of fires, including fires in residential multi-unit buildings. Among other things, San Francisco is located on an active seismic zone; certain buildings in San Francisco are at an increased risk for earthquake-induced failure and consequent fire because of local hazardous microzones, slide areas, and local liquefaction hazards; and enhanced fire protections are required due to high building density, the prevalence of wood structures, and high occupancy in many buildings.

1 (b) San Francisco is densely populated with many high-rise buildings, including
2 residential buildings, with large numbers of residents. For these reasons, fires in San
3 Francisco can be especially devastating, and the need for extra measures to prevent, prepare
4 for, and cope with fires is especially pressing.

5 (c) Lithium-ion batteries contain flammable materials and present a fire and explosion
6 hazard, particularly when batteries are poorly made, damaged, improperly charged, or stored.
7 Fires caused by lithium-ion batteries can be particularly devastating, due to the chemical
8 hazards posed by such fires, their tendency to flash and grow quickly in size, and the difficulty
9 of extinguishing them.

10 (d) Certification of lithium-ion batteries by certified laboratories mitigates the risks
11 associated with these devices with testing for durability, reliability, and electrical and
12 mechanical safety, which is critical for the prevention of fires. This ordinance complements
13 the California Fire Code and existing provisions of the San Francisco Fire Code by
14 establishing a prohibition on the sale and delivery of certain non-certified devices and
15 batteries.

16 (e) The Board of Supervisors finds and determines that the fire safety regulations in
17 this ordinance are reasonably necessary based on San Francisco's local conditions, in the
18 densest major city in the State of California, and that these conditions justify more restrictive
19 standards applicable to the sale of uncertified lithium-ion batteries used in powered mobility
20 devices, which are becoming ever more ubiquitous on City streets.

21
22 Section 2. Chapter 3 of the Fire Code is hereby amended by adding Section 326,
23 consisting of Sections 326.1, 326.2, 326.3, and 326.4, to read as follows:

24 **SECTION 326. – PROHIBITION ON SALE OR DELIVERY OF CERTAIN LITHIUM-ION**
25 **BATTERIES**

1 **SEC. 326.1. Definitions.** *For the purposes of this Section 326, the following definitions apply:*

2 “Certified Lithium-Ion Battery” means a Lithium-Ion Battery (a) used in a Powered Mobility
3 Device or which is a Replacement Battery, and (b) which has been certified for compliance with:

4 (1) Underwriters Laboratories (UL) standards UL 2849, UL 2272, or UL 2271; or

5 (2) The safety standard of an accredited laboratory approved by the Fire Department by
6 rulemaking under Section 326.4.

7 “Lithium-Ion Battery” means a rechargeable battery or battery pack employing lithium-ion
8 chemistry, whether removable from or integral to a device.

9 “Powered Mobility Device” means a Powered Mobility Device as defined in Section 325.1.

10 “Replacement Battery” means any Lithium-Ion Battery intended for use in a Powered Mobility
11 Device.

12 **SEC. 326.2. Prohibition on Sales.** *No person or business shall sell, offer for sale, or deliver*
13 *any Powered Mobility Device or Replacement Battery to any person or any address located within the*
14 *City and County of San Francisco unless such Powered Mobility Device utilizes a Certified Lithium-Ion*
15 *Battery or is a Certified Lithium-Ion Replacement Battery, and such certification or the logo, or*
16 *wordmark, is displayed on (i) packaging or documentation provided at the time of sale, or (ii) directly*
17 *on the Powered Mobility Device or Replacement Battery.*

18 **SEC. 326.3. Enforcement and Penalties.**

19 (a) Each prohibited sale, offer for sale, or delivery constitutes a separate violation of Section
20 326. The Fire Chief or their designee shall have enforcement authority under this Section, and the City
21 Attorney may at any time institute civil proceedings for injunctive and monetary relief in the amounts
22 identical to administrative penalties specified in this Section 326.3, against any person or business who
23 violates Section 326. Administrative penalties for prohibited sales shall be \$500 for the first violation
24 and \$1,000 for each subsequent violation committed within one year of the last violation.

1 (b) The City Attorney may undertake such action for injunctive or monetary relief without
2 regard to whether the Fire Chief or their designee has issued a notice of violation, instituted abatement
3 proceedings, scheduled or held a hearing on a notice of violation, or issued a final decision.

4 (c) At any time, the Fire Chief or their designee may refer a case to the City Attorney's Office
5 for civil enforcement, but a referral is not required for the City Attorney to bring a civil action under
6 Section 326.

7 (d) The City Attorney shall recover reasonable attorneys' fees if the City is the prevailing party
8 in any court case or in any civil proceeding to enforce this Section 326 and if the City Attorney elects,
9 at the initiation of the action, to seek recovery of attorneys' fees and provides notice of such intention to
10 the adverse party or parties.

11 **SEC. 326.4. Implementation.** The Fire Chief or their designee may promulgate rules, forms,
12 and guidance necessary or appropriate to carry out the purpose and requirements of this Section 326.

13
14 Section 3. No Conflict with Federal or State Law. Nothing in this ordinance shall be
15 interpreted or applied so as to create any requirement, power, or duty in conflict with any
16 federal or state law.

17
18 Section 4. Undertaking for the General Welfare. In enacting and implementing this
19 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
20 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
21 is liable in money damages to any person who claims that such breach proximately caused
22 injury.

23
24 Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word
25 of this ordinance, or any application thereof to any person or circumstance, is held to be

1 invalid or unconstitutional by a decision of court of competent jurisdiction, such decision shall
2 not affect the validity of the remaining portions or applications of this ordinance. The Board of
3 Supervisors hereby declares that it would have passed this ordinance and each and every
4 subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional
5 without regard to whether any portion of this ordinance or application thereof would be
6 subsequently declared invalid or unconstitutional.

7
8 Section 6. Effective Date. This ordinance shall become effective on the 31st day after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor's veto of the ordinance.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/
16 HUGO CABRERA
17 Deputy City Attorney

4923-1336-6667

LEGISLATIVE DIGEST

[San Francisco Fire Code - Uncertified Lithium-Ion Battery Ban]

Ordinance amending the San Francisco Fire Code to prohibit the sale, offer, and delivery of lithium-ion batteries and replacement lithium-ion batteries that do not meet specified certification requirements, to any address within San Francisco; establish enforcement processes, and penalties for violations; authorize the City Attorney to seek injunctive and monetary relief and attorneys' fees; and authorize the Fire Department to implement the restriction through rules, forms, and guidance.

Existing Law

There currently is no local law in San Francisco that bans the sale, offer for sale, or delivery of lithium-ion batteries and replacement lithium-ion batteries within San Francisco.

Amendments to Current Law

The ordinance would amend Chapter 3 of the San Francisco Fire Code to add new Section 326, which would prohibit the sale, offer for sale, or delivery of lithium-ion batteries and replacement lithium-ion batteries within San Francisco unless the batteries meet specified safety certification standards. The ordinance is intended to reduce fire and explosion risks associated with uncertified lithium-ion batteries, particularly in the context of San Francisco's dense housing, high-rise structures, and heightened vulnerability to fire events.

Section 326 would include the following key provisions:

- It would add a definition of "Certified Lithium-Ion Battery," defined as a battery used in a powered mobility device (including replacement batteries) that meets safety standards UL 2849, UL 2272, UL 2271, or an equivalent standard approved by the Fire Department.
- It would prohibit any person or business from selling, offering for sale, or delivering powered mobility devices or replacement batteries to any person or address within San Francisco unless the device or battery uses a certified lithium-ion battery and the certification information (logo, wordmark, or name of the accredited testing laboratory) is displayed on the product packaging, accompanying documentation, or directly on the device or battery.
- The ordinance would impose penalties such that each prohibited sale, offer, or delivery constitutes a separate violation. Administrative penalties would be set at \$500 for a first violation and \$1,000 for each subsequent violation committed within one year of the last.

- The Fire Chief or their designee would be granted enforcement authority, and the City Attorney may independently initiate civil actions for injunctive or monetary relief, regardless of Fire Department enforcement activity.
- The City Attorney may recover reasonable attorneys' fees if the City prevails.
- The Fire Chief may issue rules, forms, and guidance necessary to implement and enforce Section 326.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: