

1 [Suspending Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance.]

2
3 **Ordinance amending the San Francisco Health Code by adding Section 34.10, to**
4 **suspend Sections 34.4 and 34.6 of the Healthy Products, Healthy Children 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.
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 2005, Assembly Member Wilma Chan introduced Assembly Bill No. 319. Among
11 other things, the proposed bill prohibited the manufacture, sale, or distribution of children's
12 products containing six specified phthalates. In January 2006, Assembly Bill No. 319 failed to
13 pass out of committee and died.

14 (b) Because the State Legislature declined to enact Assembly Bill No. 319, the Board
15 of Supervisors enacted Ordinance No. 120-06. Mirroring Assembly Bill No. 319, Ordinance
16 No. 120-06 prohibited the manufacture, sale, or distribution of children's products containing
17 six specified phthalates. Under its terms, Ordinance No. 120-06 would "be suspended by
18 operation of law upon the operative date of any substantially similar legislation enacted by the
19 State of California."

20 (c) In April 2007, the Board of Supervisors enacted Ordinance No. 86-07 – titled
21 Healthy Products, Healthy Children Ordinance. This ordinance amended the San Francisco
22 Health Code provisions enacted by Ordinance No. 120-06.

23 (d) Following the enactment of these ordinances, Assembly Member Fiona Ma in 2007
24 introduced Assembly Bill No. 1108 – which asked the State Legislature to reconsider its
25 decision in 2006 to reject Assembly Bill No. 319. In the fall of 2007, the State Legislature

1 enacted and the Governor signed Assembly Bill No. 1108. Like Assembly Bill No. 319 and
2 the Healthy Products, Healthy Children Ordinance, Assembly Bill No. 1108 prohibits the
3 manufacture, sale, or distribution of children's products containing six specified phthalates.

4 (e) Because the State Legislature has now acted to protect not only the children of
5 San Francisco but also the children of the entire state of California from the harmful effects of
6 phthalates, the Healthy Products, Healthy Children Ordinance is no longer necessary.

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8 Section 2. The San Francisco Health Code is hereby amended by adding
9 Section 34.10, to read as follows:

10 **SEC. 34.10. SUSPENSION OF ORDINANCE.**

11 *In order to promote enforcement of Sections 108935 of the California Health and Safety Code,*
12 *the Board of Supervisors suspends Sections 34.4 and 34.6. The Department of Public Health, in*
13 *consultation with the Department of the Environment, shall continue to test toys, child care products,*
14 *and child feeding products for phthalates and publicize the results of those tests, as well as take any*
15 *other appropriate actions that may reduce the risk of harmful or dangerous ingredients in toys, child*
16 *care products, and child feeding products.*

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18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20
21 By: _____
22 THOMAS J. OWEN
23 Deputy City Attorney