

LEGISLATIVE DIGEST

[Environment Code - Repealing Yellow Pages Distribution Pilot Program]

Ordinance amending the Environment Code by repealing Yellow Pages Distribution Pilot Program.

Existing Law

In 2011, the Board of Supervisors adopted Environment Code sections 2101 through 2108, creating a three-year pilot program to prohibit distribution of Commercial Phone Directories to private residences or businesses in San Francisco unless the occupant or authorized representative requests or personally accepts a Directory.

In 2012, the Board suspended Sections 2101 through 2108, pending the outcome of *Dex Media West, Inc. v. City of Seattle*, a Ninth Circuit case challenging a similar law.

Amendments to Current Law

The proposal would repeal Sections 2101 through 2108, as well as Section 2109, which suspended the prior sections.

Background Information

The Ninth Circuit has now ruled in the *Dex Media West* case, holding that Commercial Phone Directories are fully protected speech under the First Amendment to the United States Constitution. *Dex Media West, Inc. v. City of Seattle*, 696 F.3d 952 (9th Cir. 2012). The Ninth Circuit has denied a petition to rehear that case and review by the United States Supreme Court is not expected.