

1 [Requiring the San Francisco Health Department to Enforce the Safe Drinking Water and
2 Toxic Enforcement Act of 1986 (Proposition 65) and its Implementing Regulations; Requiring
3 That Proposition 65 Warnings Be Provided In English, Spanish, and Chinese.]

4 **Ordinance amending the San Francisco Health Code by adding Section 456.6, to**
5 **require the Department of Public Health to Enforce the Safe Drinking Water and Toxic**
6 **Enforcement Act of 1986 (Proposition 65) and its implementing regulations with**
7 **respect to foods which are subject to a state or federal Department of Health and**
8 **Human Services, Food and Drug Administration, or Environmental Protection Agency**
9 **safety advisory where said advisory is regarding a substance included on the**
10 **Proposition 65 list issued by the State of California Environmental Protection Agency**
11 **and to require certain food establishments to provide Proposition 65 warnings in**
12 **English, Spanish, and Chinese.**

13 Note: Additions are *single-underline italics Times New Roman*;
14 deletions are *strikethrough italics Times New Roman*.
15 Board amendment additions are double underlined.
16 Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. The San Francisco Health Code is hereby amended by adding Section 456.6, to read
18 as follows:

19 Sec. 456.6. Enforcement of Safe Drinking Water and Toxic Enforcement Act of 1986 and its
20 Implementing Regulations; Requirement That Warnings Be Provided In English, Spanish and Chinese.

21 (a) The Department of Public Health shall enforce the Safe Drinking Water and Toxic
22 Enforcement Act of 1986 (California Health and Safety Code Chapter 6.6 added by Proposition 65
23 1986 General Election) and its implementing regulations (California Code of Regulations, Title 22,
24 Section 12000 et seq.) with respect to foods which are subject to a state or federal Department
25 of Health and Human Services, Food and Drug Administration, or Environmental Protection

1 Agency safety advisory where said advisory is regarding a substance included on the
2 Proposition 65 list issued by the State of California Environmental Protection Agency by:
3 *(1) Inspecting food product and marketing establishments defined in Section 440 and food*
4 *preparation and service establishments defined by Section 451 to determine whether these*
5 *establishments are in compliance with the warning requirements of the Safe Drinking Water and Toxic*
6 *Enforcement Act of 1986 and its implementing regulations with respect to foods which are subject*
7 *to a state or federal Department of Health and Human Services, Food and Drug*
8 *Administration, or Environmental Protection Agency safety advisory where said advisory is*
9 *regarding a substance included on the Proposition 65 list issued by the State of California*
10 *Environmental Protection Agency;*
11 *(2) Serving notices requiring the correction of any violation of the Safe Drinking Water and*
12 *Toxic Enforcement Act of 1986 or its implementing regulations with respect to foods which are*
13 *subject to a state or federal Department of Health and Human Services, Food and Drug*
14 *Administration, or Environmental Protection Agency safety advisory where said advisory is*
15 *regarding a substance included on the Proposition 65 list issued by the State of California*
16 *Environmental Protection Agency; and*
17 *(3) Calling upon the City Attorney or the District Attorney to maintain an action for violation of*
18 *the Safe Drinking Water and Toxic Enforcement Act of 1986 or its implementing regulations with*
19 *respect to foods which are subject to a state or federal Department of Health and Human*
20 *Services, Food and Drug Administration, or Environmental Protection Agency safety advisory*
21 *where said advisory is regarding a substance included on the Proposition 65 list issued by the*
22 *State of California Environmental Protection Agency, to cause correction of such violation, and for*
23 *assessment and recovery of civil or criminal remedies for such violation.*
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1 (b) Written warnings required to be provided by food product and marketing establishments and
2 food preparation and service establishments under the Safe Drinking Water and Toxic Enforcement Act
3 of 1986 and its implementing regulations or any settlements and consent judgments pertaining to
4 lawsuits filed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 and its
5 implementing regulations with respect to foods which are subject to a state or federal
6 Department of Health and Human Services, Food and Drug Administration, or Environmental
7 Protection Agency safety advisory where said advisory is regarding a substance included on
8 the Proposition 65 list issued by the State of California Environmental Protection Agency shall
9 be made in English, Spanish and Chinese. Written warnings in Spanish and Chinese shall comply with
10 the Safe Drinking Water and Toxic Enforcement Act of 1986 and its implementing regulations and any
11 settlements and consent judgments pertaining to lawsuits filed pursuant to the Safe Drinking Water and
12 Toxic Enforcement Act of 1986 and its implementing regulations and be provided in the same manner
13 as the warnings in English, including but not limited to location, size, and font of the warning message.

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

17 By: _____
18 Cecilia T. Mangoba
19 Deputy City Attorney

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