

1 [Smoking Marijuana]
2 AMENDING ARTICLE 19F, SECTION 1009.22, OF THE HEALTH CODE, WHICH
3 PROHIBITS SMOKING, TO ALLOW SMOKING OF MEDICAL MARIJUANA IN NON-PROFIT
4 MEDICAL MARIJUANA BUYERS CLUBS.

5 Note: Additions are underlined; deletions are in ((double parentheses)).

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

7 Section 1. Article 19F of the San Francisco Health Code is hereby amended by
8 amending Section 1009.22, to read as follows:

9 **SEC. 1009.22. PROHIBITING SMOKING IN BUILDINGS AND ENCLOSED**
10 **STRUCTURES CONTAINING CERTAIN USES AND CERTAIN SPORTS STADIUMS.**

11 (a) Smoking is prohibited in buildings and enclosed structures which contain any of
12 the facilities or uses set forth below.

13 (1) Facilities owned or leased by the City and County of San Francisco; every
14 commission, department or agency, with jurisdiction over such property shall adopt
15 regulations or policies implementing the provisions of this Article; provided, however, with
16 respect to facilities located outside the City and County of San Francisco, the regulations or
17 policies shall prohibit smoking in enclosed areas during those times that the public has
18 access, except that (A) in any enclosed area a designated smoking area may be provided if it
19 is physically separated from and no larger than the nonsmoking area, and (B) when the public
20 does not have access to an enclosed area, the provisions of Article 19 apply;

21 (2) Facilities in which the business of any governmental body or agency is
22 conducted, including hearing rooms, courtrooms or places of public assembly;

23 (3) Polling places;

24 (4) Health facilities, including, but not limited to, hospitals, long term care facilities,
25 doctors' and dentists' offices, inpatient rooms, and outpatient examination and treatment

1 rooms;

2 (5) Educational facilities;

3 (6) Business establishments;

4 (7) Nonprofit establishments((:)), except that persons qualifying under California
5 Health and Safety Code section 11362.5 to use medical marijuana may smoke medical
6 marijuana on the premises of a nonprofit medical marijuana buyer's club;

7 (8) Aquariums, galleries, libraries and museums;

8 (9) Child care facilities, except when located in private homes;

9 (10) Facilities used for exhibiting motion pictures, drama, dance, musical
10 performance, lectures, or other entertainment;

11 (11) Sports arenas; provided, however, that Subsection (b) shall govern sports
12 stadiums as defined in that subsection;

13 (12) Convention facilities;

14 (13) Restaurants, subject to the provisions of Section 1009.24.

15 Smoking is prohibited throughout the building or structure and in the common areas,
16 including the elevators, hallways, stairways, restrooms, conference and meetings rooms, and
17 eating and break rooms.

18 (b) No owner, manager, or operator of a sports stadium shall knowingly or
19 intentionally permit, and no person on the premises shall engage in, the smoking of tobacco
20 products in any enclosed or open space at a sports stadium except in (1) concourses and
21 ramps outside seating areas, (2) private suites and corridors to private suites, and (3) areas
22 designated for parking. Any portion of a sports stadium used as a bar or restaurant shall be
23 governed by the provisions of this Article regulating smoking in bars and restaurants. For
24 purposes of this subsection, a sports stadium means a publicly owned facility which has a
25 seating capacity of at least 30,000 people.

1 (c) It is unlawful for any person to smoke in any area where this Article prohibits
2 smoking. It is unlawful for the owner of any property, facility or establishment subject to this
3 Article or, if a different person has the right to possession or management of such property,
4 facility or establishment, for that person to permit any person to smoke in any area where
5 smoking is prohibited by this Article.

6 (d) No person who owns, operates or manages property will be deemed to be in
7 violation of the requirements of this Article with respect to persons smoking in such areas over
8 whom they have no right of direction and control if they have taken the following reasonable
9 steps to prevent smoking by such persons:

10 (1) Posted clear and prominent "no smoking" signs at each entrance to the
11 premises;

12 (2) Requested, when appropriate, that such person refrain from smoking.

13 For purposes of this subsection, "reasonable steps" shall not include the physical
14 ejection of a person from the premises.

15
16 APPROVED AS TO FORM:

17 LOUISE H. RENNE, City Attorney

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20 By: 

21 Jean S. Fraser
22 Deputy City Attorney
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25



City and County of San Francisco

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Tails

Ordinance

File Number: 991462

Date Passed:

Ordinance amending Health Code Section 1009.22 which prohibits smoking, to allow smoking of medical marijuana in non-profit medical marijuana buyers clubs.

October 4, 1999 Board of Supervisors — PASSED, ON FIRST READING

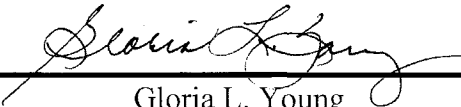
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

October 12, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Teng
Absent: 3 - Katz, Yaki, Yee

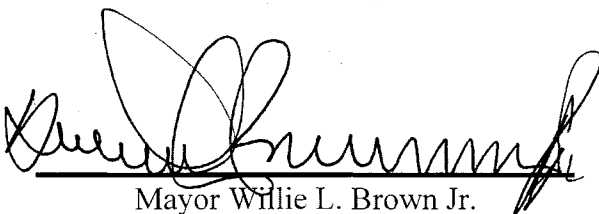
File No. 991462

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on October 12, 1999
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

OCT 22 1999
Date Approved



Mayor Willie L. Brown Jr.