

1 [Suspending Sections 468.3 through 468.8 of the Menu Labeling Ordinance.]

2  
3 **Ordinance amending the San Francisco Health Code by adding Section 468.9, to**  
4 **suspend Sections 468.3 through 468.8 of the Menu Labeling 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.  
8 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 January 2007, State Senator Alex Padilla introduced Senate Bill 120. The  
11 proposed bill required chain restaurants in California to display specified nutrition information  
12 for all standard menu items directly on menus and menu boards. Although the State  
13 Legislature passed the bill, the Governor vetoed it in October 2007.

14 (b) Because the Governor vetoed Senate Bill 120, the Board of Supervisors in March  
15 2008 enacted Ordinance No. 40-08, titled Menu Labeling At Chain Restaurants ("Menu  
16 Labeling Ordinance"), in order to protect the health of San Franciscans in the face of the  
17 serious and growing public health crisis caused by obesity. Ordinance No. 40-08 amended  
18 the Health Code to require chain restaurants in San Francisco to display specified nutrition  
19 information for standard menu items directly on menus and menu boards. In enacting  
20 Ordinance No. 40-08, San Francisco became the first city in the State of California to require  
21 such nutritional disclosures.

22 (c) After the enactment of Ordinance No. 40-08, the State Legislature followed San  
23 Francisco's lead and passed Senate Bill 1420 on August 30, 2008. Like Senate Bill 120 and  
24 Ordinance No. 40-08, Senate Bill 1420 requires chain restaurants to disclose specified  
25

1 nutrition information for standard menu items. The Governor signed Senate Bill 1420 on  
2 September 30, 2008.


3 (d) Because the State Legislature has now acted to protect not only the health of San  
4 Franciscans but of all persons in the entire state of California by ensuring consumers have  
5 access to the information they need to be able to make nutritional choices consistent with their  
6 health needs, the Board of Supervisors has determined that it is appropriate to suspend the  
7 Menu Labeling Ordinance.

8 Section 2. The San Francisco Health Code is hereby amended by adding Section  
9 468.9, to read as follows:

10 **SEC. 468.9. SUSPENSION OF ORDINANCE.**

11 In order to promote enforcement of Section 114094 of the California Health and Safety Code,  
12 the Board of Supervisors suspends Sections 468.3 through 468.8. During the period of suspension,  
13 Sections 468.3 through 468.8 shall have no force or effect and shall not be enforced. The Department  
14 of Public Health shall take any and all appropriate actions to enforce Section 114094 of the California  
15 Health and Safety Code.

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

18 By:   
19 FRANCESCA GESSNER  
20 Deputy City Attorney



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

---

**File Number:** 081377

**Date Passed:**

Ordinance amending the San Francisco Health Code by adding Section 468.9, to suspend Sections 468.3 through 468.8 of the Menu Labeling Ordinance.

---

November 4, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

November 18, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 081377

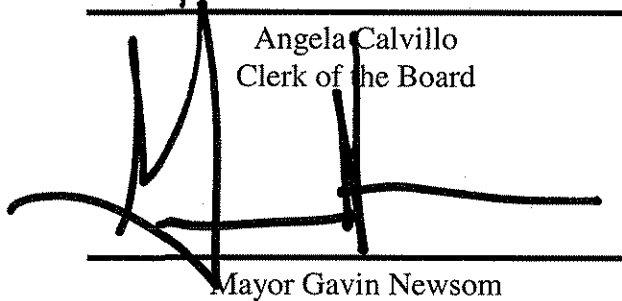
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 18, 2008 by the Board of Supervisors of the City and County of San Francisco.

11/25/2008

Date Approved



Angela Calvillo  
Clerk of the Board

  
Mayor Gavin Newsom