

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Rm 244
San Francisco 94102-4689
Tel. No. 554-5184
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MEMORANDUM

TO: Barbara A. Garcia, Department of Public Health
Regina Dick-Endrizzi, Small Business Commission
Nicole Wheaton, Office of the Mayor

FROM: Derek Evans, Assistant Committee Clerk

DATE: March 16, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Public Safety and Neighborhood Services Committee has received the following legislation, which is being referred to your department.

File No. 150241

Ordinance amending the Administrative Code to prohibit advertising of sugar-sweetened beverages on City property.

If you wish to submit any comments or reports, please forward those to the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

cc: Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health

[Administrative Code - Prohibiting Advertisements for Sugar-Sweetened Beverages on City Property]

Ordinance amending the Administrative Code to prohibit advertising of sugar-sweetened beverages on City property.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by revising Section 4.20 to read as follows:

SEC. 4.20. TOBACCO PRODUCT ~~AND~~ ALCOHOLIC BEVERAGE, AND SUGAR-SWEETENED BEVERAGE ADVERTISING PROHIBITION.

(a) No advertising of cigarettes or tobacco products, ~~or~~ alcoholic beverages, or Sugar-Sweetened Beverages shall be allowed on any property owned by or under the control of the City and County of San Francisco, except as exempted in subsections (c) and (d) below. For purposes of this Section 4.20, "alcoholic beverage" shall be as defined in California Business and ~~Professional~~ Professions Code section 23004 and shall not include cleaning solutions, medical supplies, and other products and substances not intended for drinking, and "Sugar-Sweetened Beverages" shall be as defined in subsection (e) below.

(b) This prohibition shall include the placement of the name of a company producing, selling, ~~or~~ distributing cigarettes or tobacco products, ~~or~~ alcoholic beverages, or Sugar-

1 Sweetened Beverages, or the name of any cigarette or tobacco product, ~~or~~ alcoholic beverages,
2 or Sugar-Sweetened Beverages, in any promotion of any event or promotion of any product or
3 beverage on property owned by or under the control of the City and County of San Francisco.
4 This prohibition shall not apply to any advertisement sponsored by a state, local, nonprofit or
5 other entity designed to ~~(i1)~~ communicate the health hazards of cigarettes and tobacco
6 products, ~~or~~ alcoholic beverages or Sugar-Sweetened Beverages, ~~(#2)~~ encourage people not to
7 smoke or to stop smoking, or encourage people not to drink ~~aleoholie~~ or to stop drinking
8 alcohol or Sugar-Sweetened Beverages, or ~~(iii3)~~ provide or publicize drug or alcohol treatment or
9 rehabilitation services.

10 (c) All leases, permits or agreements awarded by the City and County of San
11 Francisco allowing any person to use City property shall specifically provide that there shall be
12 no advertising of cigarettes or tobacco products, ~~or~~ alcoholic beverages, or Sugar-Sweetened
13 Beverages as set forth in this Section 4.20. ~~Thisese~~ prohibitions on advertising shall only apply
14 to those leases, permits or agreements entered into, renewed, or materially amended from
15 and after the effective date of ~~thise~~ ordinance establishing the prohibition.

16 (d) City property used for operation of a restaurant, concert or sports venue, or other
17 facility or event where the sale, production or consumption of alcoholic beverages is
18 permitted, shall be exempt from the alcoholic beverage advertising prohibition in subsections
19 (a) through (c) above, and City property used for operation of a restaurant, concert or sports venue,
20 or other facility or event where the sale or production of Sugar-Sweetened Beverages is permitted,
21 shall be exempt from the Sugar-Sweetened Beverage advertising prohibition in subsections (a) through
22 (c) above, but ~~thise~~ either of these prohibitions may be made applicable by lease, permit or
23 agreement.

24 (e) For purposes of this Section 4.20.
25

1 "Caloric Substance" means a substance that adds calories to the diet of a person who
2 consumes that substance.

3 "Caloric Sweetener" means any Caloric Substance suitable for human consumption that
4 humans perceive as sweet and includes, but is not limited to, sucrose, fructose, high fructose corn
5 syrup, glucose and other sugars.

6 "Medical Food" means medical food as defined in Section 109971 of the California Health and
7 Safety Code, including amendments to that Section.

8 "Milk" means natural liquid milk, natural milk concentrate or dehydrated natural milk
9 (whether or not reconstituted) regardless of animal source or butterfat content. For purposes of this
10 definition, "Milk" includes flavored milk containing no more than 40 grams of total sugar (naturally
11 occurring and from added Caloric Sweetener) per 12 ounces.

12 "Natural Fruit Juice" means the original liquid resulting from the pressing of fruit, the liquid
13 resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid resulting from
14 the complete restoration of water to dehydrated natural fruit juice.

15 "Natural Vegetable Juice" means the original liquid resulting from the pressing of vegetables,
16 the liquid resulting from the complete reconstitution of natural vegetable juice concentrate, or the
17 liquid resulting from the complete restoration of water to dehydrated natural vegetable juice.

18 "Nonalcoholic Beverage" means any beverage that is not subject to tax under Part 14
19 (commencing with Section 32001) of the California Revenue and Tax Code.

20 "Sugar-Sweetened Beverage" means any Nonalcoholic Beverage sold for human consumption
21 that has one or more added Caloric Sweeteners and contains more than 25 calories per 12 ounces of
22 beverage, or any powder or syrup with added Caloric Sweetener that is used for mixing, compounding,
23 or making Sugar-Sweetened Beverages. Notwithstanding the foregoing sentence, "Sugar-Sweetened
24 Beverage" does not include any of the following:

25 (1) Milk.

1 (2) Milk alternatives, including but not limited to non-dairy creamers or beverages
2 primarily consisting of plant-based ingredients (such as soy, rice, or almond milk products), regardless
3 of sugar content.

4 (3) Any beverage that contains solely 100 percent Natural Fruit Juice, Natural
5 Vegetable Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.

6 (4) Any product sold for consumption by infants, which is commonly referred to as
7 “infant formula,” or any product whose purpose is infant rehydration.

8 (5) Medical Food.

9 (6) Any product designed as supplemental, meal replacement, or sole-source nutrition
10 that includes proteins, carbohydrates, and multiple vitamins and minerals.

11 (7) Any product sold in liquid form designed for use as an oral nutritional therapy for
12 persons who may have a limited ability to absorb or metabolize dietary nutrients from traditional food
13 or beverages.

14 (8) Any product sold in liquid form designed for use for weight reduction.

15 Section 2. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor’s veto of the ordinance.

19
20 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6
7 By: Anita L. Wood
8 ANITA WOOD
9 Deputy City Attorney

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission
 ☐ Youth Commission
 ☐ Ethics Commission
☐ Planning Commission
 ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Cohen

Subject:

Administrative Code — Prohibiting Advertisements for Sugar-Sweetened Beverages on City Property

The text is listed below or attached:

Ordinance amending the Administrative Code to prohibit advertising of sugar-sweetened beverages on City property.

Signature of Sponsoring Supervisor:

Malin Cohen

For Clerk's Use Only:

150241