

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

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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, the name of a company producing Sugar-Sweetened Beverages, or~~
2 the name of any cigarette or tobacco product, ~~or~~ alcoholic beverages, or Sugar-Sweetened
3 Beverages, in any promotion of any event or promotion of any product or beverage on property
4 owned by or under the control of the City and County of San Francisco. This prohibition shall
5 not apply to any advertisement sponsored by a state, local, nonprofit or other entity designed
6 to ~~(#1)~~ communicate the health hazards of cigarettes and tobacco products, ~~or~~ alcoholic
7 beverages or Sugar-Sweetened Beverages, ~~(#2)~~ encourage people not to smoke or to stop
8 smoking, or encourage people not to drink ~~alcoholic~~ or to stop drinking alcohol or Sugar-
9 Sweetened Beverages, or ~~(##3)~~ provide or publicize drug or alcohol treatment or rehabilitation
10 services; nor shall this prohibition apply to the inclusion of the name of a company producing
11 Sugar-Sweetened Beverages, or the name of a charitable foundation containing any such
12 company's name, on signage listing sponsors of a charitable event occurring on City property.

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

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

3 (e) For purposes of this Section 4.20,

4 “Caloric Substance” means a substance that adds calories to the diet of a person who
5 consumes that substance.

6 “Caloric Sweetener” means any Caloric Substance suitable for human consumption that
7 humans perceive as sweet and includes, but is not limited to, sucrose, fructose, high fructose corn
8 syrup, glucose and other sugars.

9 “Medical Food” means medical food as defined in Section 109971 of the California Health and
10 Safety Code, including amendments to that Section.

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

15 “Natural Fruit Juice” means the original liquid resulting from the pressing of fruit, the liquid
16 resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid resulting from
17 the complete restoration of water to dehydrated natural fruit juice.

18 “Natural Vegetable Juice” means the original liquid resulting from the pressing of vegetables,
19 the liquid resulting from the complete reconstitution of natural vegetable juice concentrate, or the
20 liquid resulting from the complete restoration of water to dehydrated natural vegetable juice.

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

23 “Sugar-Sweetened Beverage” means any Nonalcoholic Beverage sold for human consumption
24 that has one or more added Caloric Sweeteners and contains more than 25 calories per 12 ounces of
25 beverage, or any powder or syrup with added Caloric Sweetener that is used for mixing, compounding,

1 or making Sugar-Sweetened Beverages. Notwithstanding the foregoing sentence, “Sugar-Sweetened
2 Beverage” does not include any of the following:

3 _____ (1) Milk.

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

7 _____ (3) Any beverage that contains solely 100 percent Natural Fruit Juice, Natural
8 Vegetable Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.

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

11 _____ (5) Medical Food.

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

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

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

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

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23 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
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1 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
2 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
3 additions, and Board amendment deletions in accordance with the “Note” that appears under
4 the official title of the ordinance.

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8

9 By: _____
10 ANITA WOOD
11 Deputy City Attorney
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