

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Barbara A. Garcia, Director, Department of Public Health
Nicole Elliott, Mayor's Office
Regina Dick-Endrizzi, Director, Small Business Commission

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: November 4, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Wiener on October 20, 2015:

File No. 151082

Ordinance amending the Health Code by changing the exemption for permitted signs under Section 4203(d) of the Sugar-Sweetened Beverage Warning Ordinance to signs permitted on or before October 20, 2015.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

1 [Health Code - Amendment to Sugar-Sweetened Beverage Warning Ordinance]

2
3 **Ordinance amending the Health Code by changing the exemption for permitted signs**
4 **under Section 4203(d) of the Sugar-Sweetened Beverage Warning Ordinance to signs**
5 **permitted on or before October 20, 2015.**

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

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

14 Section 1. The Health Code is hereby amended by revising Section 4203, to read as
15 follows:

16 **SEC. 4203. SUGAR-SWEETENED BEVERAGE WARNING ON ADVERTISEMENTS.**

17 (a) Commencing on the operative date of this Division I (Ordinance No. 100-15)
18 (the "Operative Date"), which is one year after the effective date of this Division, any
19 Advertiser who posts an SSB Ad, or causes an SSB Ad to be posted, in San Francisco shall
20 place on the SSB Ad the following warning, including as amended in accordance with
21 Subsection 4203(c) below (the "Warning"):

22
23 "WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes,
24 and tooth decay. This is a message from the City and County of San Francisco."

25 * * * *

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2 (d) This Division I does not apply to any action by an Advertiser regarding (1) any
3 sign, excluding any general advertising sign ~~unless that it~~ satisfies (2) below, permitted by the
4 City ~~on or before October 20, 2015 the Operative Date~~; (2) any general advertising sign permitted
5 by the City before the Operative Date that includes an SSB Ad, if the SSB Ad has not been
6 substantially changed for a period of 50 or more years before the Operative Date and the
7 Advertiser provides the Director, on the Director's request, records or other information that
8 substantiates the SSB Ad has not been substantially changed over the 50-year period; or (3)
9 any SSB Ad, other than those excepted from the application of this Division in (1) and (2)
10 above, including any reproduction, that was created before December 31, 1985 for which the
11 Advertiser provides to the Director, on the Director's request, records or other information that
12 substantiates the date that the SSB Ad was created ~~was~~ before December 31, 1985. For
13 purposes of this Division I, "general advertising sign" shall have the meaning provided in
14 Section 602.7 of the Planning Code (General Advertising Sign), as amended or renumbered
15 from time to time, and "sign" shall have the meaning provided in Section 602.19 of the
16 Planning Code (Sign), as amended or renumbered from time to time.
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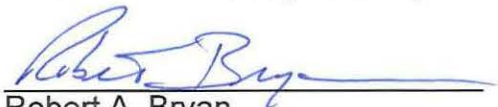
18 Section 2. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the 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,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

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

By: 
Robert A. Bryan
Deputy City Attorney

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