

[Requiring the San Francisco Health Department to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its Implementing Regulations; Requiring That Proposition 65 Warnings Be Provided In English, Spanish, and Chinese.]

Ordinance amending the San Francisco Health Code by adding Section 456.6, to require the Department of Public Health to Enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) and its implementing regulations with respect to foods which are subject to a state or federal safety advisory where said advisory is regarding a substance included on the Proposition 65 list issued by the State of California Environmental Protection Agency and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Health Code is hereby amended by adding Section 456.6, to read as follows:

Sec. 456.6. Enforcement of Safe Drinking Water and Toxic Enforcement Act of 1986 and its Implementing Regulations; Requirement That Warnings Be Provided In English, Spanish and Chinese.

(a) The Department of Public Health shall enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Health and Safety Code Chapter 6.6 added by Proposition 65 1986 General Election) and its implementing regulations (California Code of Regulations, Title 22, Section 12000 et seq.) with respect to foods which are subject to a state or federal safety advisory where said advisory is regarding a substance included on the Proposition 65 list issued by the State of California Environmental Protection Agency by:

1 (1) Inspecting food product and marketing establishments defined in Section 440 and food
2 preparation and service establishments defined by Section 451 to determine whether these
3 establishments are in compliance with the warning requirements of the Safe Drinking Water and Toxic
4 Enforcement Act of 1986 and its implementing regulations with respect to foods which are subject
5 to a state or federal safety advisory where said advisory is regarding a substance included on
6 the Proposition 65 list issued by the State of California Environmental Protection Agency;

7 (2) Serving notices requiring the correction of any violation of the Safe Drinking Water and
8 Toxic Enforcement Act of 1986 or its implementing regulations with respect to foods which are
9 subject to a state or federal safety advisory where said advisory is regarding a substance
10 included on the Proposition 65 list issued by the State of California Environmental Protection
11 Agency; and

12 (3) Calling upon the City Attorney or the District Attorney to maintain an action for violation of
13 the Safe Drinking Water and Toxic Enforcement Act of 1986 or its implementing regulations with
14 respect to foods which are subject to a state or federal safety advisory where said advisory is
15 regarding a substance included on the Proposition 65 list issued by the State of California
16 Environmental Protection Agency, to cause correction of such violation, and for assessment and
17 recovery of civil or criminal remedies for such violation.

18 (b) Written warnings required to be provided by food product and marketing establishments and
19 food preparation and service establishments under the Safe Drinking Water and Toxic Enforcement Act
20 of 1986 and its implementing regulations or any settlements and consent judgments pertaining to
21 lawsuits filed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 and its
22 implementing regulations with respect to foods which are subject to a state or federal safety
23 advisory where said advisory is regarding a substance included on the Proposition 65 list
24 issued by the State of California Environmental Protection Agency shall be made in English,
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1 Spanish and Chinese. Written warnings in Spanish and Chinese shall comply with the Safe Drinking
2 Water and Toxic Enforcement Act of 1986 and its implementing regulations and any settlements and
3 consent judgments pertaining to lawsuits filed pursuant to the Safe Drinking Water and Toxic
4 Enforcement Act of 1986 and its implementing regulations and be provided in the same manner as the
5 warnings in English, including but not limited to location, size, and font of the warning message.

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

9 By: _____
10 Cecilia T. Mangoba
11 Deputy City Attorney
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