



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
GAVIN NEWSOM, MAYOR

April 15, 2010

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

RE: File No. 100103[Prohibition on Tobacco Sales within 1,000 feet of a School.]

Ordinance amending the San Francisco Health Code by amending Section 1009.53 and by adding Article 19L, Sections 1010.5 through 1010.11, to prohibit the sale of tobacco within 1,000 feet of any public or private school.

Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On March 31, 2010 the Small Business Commission heard and recommended approval to the Board of Supervisors for File No. 100103. Recommendation for approval was made upon the Mayor's acceptance of exemptions for "Tobacco Shops" as defined in Section 1009.21 (u) and "Bars" and "Taverns" as defined in Section 1009.21 (a.) The Commission feels that since these establishments do not cater to or admit minors that exempting these businesses will protect a number of small businesses, while at the same time not negatively impacting the intent of the legislation. The Commission supports the reduction of tobacco sales to minors and finds that the 1,000 foot zone around schools is precedented. The Commission wishes to thank the Mayor's office for working with the Commission to minimize the impact this ordinance will have on small businesses through reasonable exemptions.

According to the Department of Public Health, "Strong tobacco permitting laws coupled with regular enforcement make a big difference in illegal sales." While the Commission supports File No. 100103 as a permitting law policy which will reduce tobacco access to minors, we question whether adequate enforcement is taking place. The Commission asks that the Department of Public Health, with support from the Mayor's office and the Board of Supervisors work to enhance current enforcement programs. Moving forward, the Commission requests that enforcement programs be improved prior to considering new legislative action.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Starr Terrell
Victor Young, Clerk of City Operations and Neighborhood Services Committee