AMENDING CHAPTER VIII, PART 2 OF THE SAN FRANCISCO MUNICIPAL CODE
(POLICE CODE) BY ADDING ARTICLE 42B, PROHIBITING THE MANUFACTURE,
IMPORTATION AND RETAIL SALE OF MERCURY THERMOMETERS, AND SPECIFYING
THAT A VIOLATION OF THE PROHIBITION IS A MISDEMEANOR.

Note: This entire section is new.

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

A. Mercury is a persistent and toxic pollutant that bioaccumulates in the environment and in the food chain.

B. Combustion of medical, municipal and other solid waste, which contains whole or broken mercury thermometers, is a major source of atmospheric deposition of mercury resulting in mercury contamination of air and water.

C. Mercury from mercury thermometers can also enter the environment, including the San Francisco Bay, directly through vaporization and/or spillage when a thermometer breaks during use, transportation or disposal.

D. The effect of mercury on the central nervous system includes tremors, impaired vision and hearing, paralysis, shyness, insomnia, parathesia, emotional instability, development deficits during fetal development, attention deficit, and developmental delays during childhood.

E. Due to the bioaccumulation of mercury and other contaminants in fish, the California Environmental Protection Agency has issued guidelines for the San Francisco Bay stating that adults should eat no more than two meals per month of San Francisco Bay sport
fish and that women who are pregnant or who may become pregnant should eat no more than one meal of fish per month.

F. Several states and cities around the world have demonstrated that removal of mercury-containing products, such as mercury thermometers, from the waste stream is an effective way to reduce mercury contamination. The U.S. Environmental Protection Agency, the American Hospital Association and the American Public Health Association are currently implementing programs to eliminate mercury waste.

G. On June 21, 1999, the Board of Supervisors unanimously adopted Resolution No. 602-99, which was approved by the Mayor on July 1, 1999, urging City agencies and departments and all medical facilities within San Francisco to eliminate mercury in order to protect and preserve human and environmental health. No mercury thermometers are currently used or dispensed at San Francisco General Hospital, Laguna Honda Hospital or other City health clinics.

H. There are accurate and safe alternatives to mercury thermometers that are readily available and comparable in cost.

I. Successful "take back" programs for mercury thermometers have been established to remove these products from use and to properly recycle or dispose of the mercury. For example, the City of Palo Alto collected approximately 35 pounds of mercury in its take-back program. The City's Solid Waste Management Program and Public Utilities Commission are currently developing a take-back program for mercury thermometers.
Section 2. Chapter VIII, Part 2 of the San Francisco Municipal Code (Police Code) is hereby amended by adding Article 42B thereto, to read as follows:

ARTICLE 42B
Mercury Thermometers

Sec. 4200B.1. Definitions.
(a) City means the City and County of San Francisco.
(b) Mercury thermometer means a mercury-containing product that is used to measure human body temperature. A mercury-containing product is a product, device, instrument or equipment into which elemental mercury or mercury compounds are intentionally added during its formulation or manufacture and in which the continued presence of mercury is desired to provide a specific characteristic or to permit a specific function.

SEC. 4200B.2. Retail Sale Prohibited. It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment to sell or offer for retail sale any mercury thermometer in the City.

SEC. 4200B.3. Manufacturing Prohibited. It shall be unlawful for any person to manufacture a mercury thermometer in the City.

SEC. 4200B.4. Importation Prohibited. It shall be unlawful for any medical facility, including a hospital, medical laboratory or health care provider and any medical facility operated by the City, but excluding any medical facility that is a state or federal facility, to import, purchase, or distribute a mercury thermometer in the City.

SEC. 4200B.5. Penalty. Any person who violates this Article shall be guilty of a misdemeanor, punishable by a fine of not more than $1000, or by imprisonment in the County Jail for not more than 6 months, or by both such fine and imprisonment.

Section 3. Severability. If any part or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this ordinance,
including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Rona H. Sandler
Deputy City Attorney
Ordinance amending Chapter VIII, Part 2 of the Police Code by adding Article 42B, prohibiting the manufacture, importation and retail sale of mercury thermometers and specifying that a violation of the prohibition is a misdemeanor.

May 8, 2000  Board of Supervisors — PASSED ON FIRST READING
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

May 15, 2000  Board of Supervisors — FINALLY PASSED
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
I hereby certify that the foregoing Ordinance was FINALLY PASSED on May 15, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.