

FILE NO. 050253

ORDINANCE NO.

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

4 **Ordinance amending the San Francisco Health Code by adding Section 456.6, to**  
5 **require the Department of Public Health to Enforce the Safe Drinking Water and Toxic**  
6 **Enforcement Act of 1986 (Proposition 65) and its implementing regulations and to**  
7 **require certain food establishments to provide Proposition 65 warnings in English,**  
8 **Spanish, and Chinese.**

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

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

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

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

18 (a) The Department of Public Health shall enforce the Safe Drinking Water and Toxic  
19 Enforcement Act of 1986 (California Health and Safety Code Chapter 6.6 added by Proposition 65  
20 1986 General Election) and its implementing regulations (California Code of Regulations, Title 22,  
21 Section 12000 et seq.) by:

22 (1) Inspecting food product and marketing establishments defined in Section 440 and food  
23 preparation and service establishments defined by Section 451 to determine whether these  
24 establishments are in compliance with the warning requirements of the Safe Drinking Water and Toxic  
25 Enforcement Act of 1986 and its implementing regulations pertaining to exposure to chemicals known  
to the State of California to cause cancer, birth defects or other reproductive harm;

1 (2) Serving notices requiring the correction of any violation of the Safe Drinking Water and  
2 Toxic Enforcement Act of 1986 or its implementing regulations; and

3 (3) Calling upon the City Attorney or the District Attorney to maintain an action for violation of  
4 the Safe Drinking Water and Toxic Enforcement Act of 1986 or its implementing regulations, to cause  
5 correction of such violation, and for assessment and recovery of civil or criminal remedies for such  
6 violation.

7 (b) Written warnings required to be provided by food product and marketing establishments and  
8 food preparation and service establishments under the Safe Drinking Water and Toxic Enforcement Act  
9 of 1986 and its implementing regulations or any existing settlements and consent judgments pertaining  
10 to lawsuits filed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 and its  
11 implementing regulations shall be made in English, Spanish and Chinese. Written warnings in Spanish  
12 and Chinese shall comply with the Safe Drinking Water and Toxic Enforcement Act of 1986 and its  
13 implementing regulations and any existing settlements and consent judgments pertaining to lawsuits  
14 filed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 and its implementing  
15 regulations and be provided in the same manner as the warnings in English, including but not limited  
16 to location, size, and font of the warning message.

17  
18 APPROVED AS TO FORM:  
19 DENNIS J. HERRERA, City Attorney

20 By:

  
21 Cecilia T. Mangoba  
22 Deputy City Attorney  
23  
24  
25



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails Ordinance

**File Number:** 050253

**Date Passed:**

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 and to require certain food establishments to provide Proposition 65 warnings in English, Spanish, and Chinese.

October 11, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval  
Excused: 1 - Alioto-Pier

October 11, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval  
Excused: 1 - Alioto-Pier

October 18, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

October 18, 2005 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

October 25, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

October 25, 2005 Board of Supervisors — PASSED ON FIRST READING AS AMENDED


Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 1, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 050253

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 1, 2005 by the Board of Supervisors of the City and County of San Francisco.


  
\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board

NOV 10 2005  
\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Mayor Gavin Newsom

Date: November 10, 2005

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

  
\_\_\_\_\_  
Clerk of the Board

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050253