

FILE NO. 081193

ORDINANCE NO. 254-08

[Prohibiting Sale of Tobacco Products on Property Owned By or Under the Control of the City and County of San Francisco.]

Ordinance amending the San Francisco Health Code by adding Article 19K, Sections 1010 through 1010.4, to prohibit sales of tobacco products on property owned by or under the control of the City and County of San Francisco.

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 1010 through 1010.4 and Article 19K, to read as follows:

ARTICLE 19K: PROHIBITING SALES OF TOBACCO PRODUCTS
ON PROPERTY OWNED BY OR UNDER THE CONTROL OF THE CITY AND COUNTY OF
SAN FRANCISCO

SEC. 1010. DEFINITIONS.

- (a) "Person" shall mean any individual person, firm, partnership, association, corporation, company, organization, or legal entity of any kind.
- (b) "Tobacco Product" shall mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe, tobacco, snuff, chewing tobacco, and dipping tobacco.
- (c) "Director" shall mean the Director of the Department of Public Health or his or her designee.

1 **SEC. 1010.1. PROHIBITION AGAINST TOBACCO PRODUCT SALES ON PROPERTY OWNED**
2 **BY OR UNDER THE CONTROL OF THE CITY.**

3 No person shall sell tobacco products on property owned by or under the control of the City
4 and County of San Francisco, except as provided in Section 1010.2. All leases, permits or agreements
5 awarded by the City and County of San Francisco allowing any person to use City property for retail
6 purposes shall specifically provide that there shall be no sale of tobacco products on such City
7 property.

8
9 **SEC. 1010.2. EXCEPTIONS.**

10 The prohibition against tobacco sales on property owned by or controlled by the City in Section
11 1010.1 shall not apply where its application would impair a lease, permit or use agreement to which
12 the City is a party on the effective date of this ordinance. The City shall not enter into, renew, extend
13 or materially amend a lease, permit or use agreement for the use of City property after the effective
14 date of this ordinance that does not incorporate the prohibition set forth in Section 1010.1.

15 The prohibition against tobacco sales on property owned by or controlled by the City in
16 Section 1010.1 shall not apply to the passenger terminal complex at San Francisco
17 International Airport.


18 **SEC. 1010.3. PENALTIES AND ENFORCEMENT.**

19 Administrative penalties for violation of the prohibition set forth in Section 1010.1 shall be
20 assessed and collected by the Director in accordance with San Francisco Administrative Code Chapter
21 100, which is hereby incorporated by reference.

1 **SEC. 1010.4. PREEMPTION.**

2 In adopting this Article, the Board of Supervisors does not intend to regulate or affect the rights
3 or authority of the State to do those things that are required, directed, or expressly authorized by
4 federal or state law. Further, in adopting this Article, the Board of Supervisors does not intend to
5 prohibit that which is prohibited by federal or state law.

6
7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

9 By: 
10 Terence J. Howzell
11 Deputy City Attorney



City and County of San Francisco

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

Tails

Ordinance

File Number: 081193

Date Passed:

Ordinance amending the San Francisco Health Code by adding Article 19K, Sections 1010 through 1010.4, to prohibit sales of tobacco products on property owned by or under the control of the City and County of San Francisco.

October 28, 2008 Board of Supervisors — PASSED ON FIRST READING

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

November 4, 2008 Board of Supervisors — FINALLY PASSED

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

File No. 081193

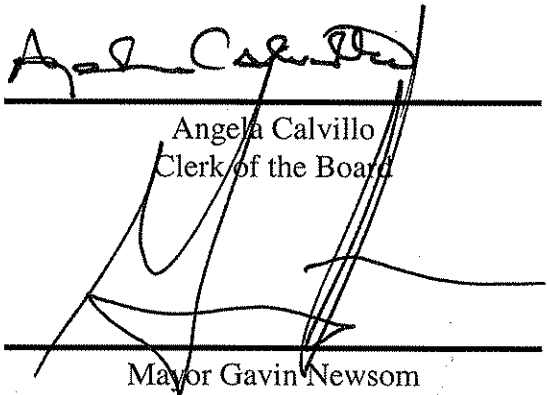
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 4, 2008 by the Board of Supervisors of the City and County of San Francisco.

11/07/2008

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom