

BOARD of SUPERVISORS



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MEMORANDUM

TO: Youth Commission
FROM: Derek Evans, Assistant Clerk
DATE: April 3, 2015
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following legislation. At the request of the Youth Commission, this item is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 150241

Ordinance amending the Administrative Code to prohibit advertising of sugar-sweetened beverages on City property.

Please return this cover sheet with the Commission's response to Derek Evans, Clerk, Public Safety & Neighborhood Services Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

___ No Comment

___ Recommendation Attached

Chairperson, Youth Commission

1 [Administrative Code - Prohibiting Advertisements for Sugar-Sweetened Beverages on City
2 Property]

3 **Ordinance amending the Administrative Code to prohibit advertising of sugar-**
4 **sweetened beverages on City property.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
8 **Board amendment additions** are in double-underlined Arial font.
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 subsections or parts of tables.

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

13 Section 1. The Administrative Code is hereby amended by revising Section 4.20 to
14 read as follows:

15 SEC. 4.20. TOBACCO PRODUCT ~~AND~~ ALCOHOLIC BEVERAGE, AND SUGAR-
16 SWEETENED BEVERAGE ADVERTISING PROHIBITION.

17 (a) No advertising of cigarettes or tobacco products, ~~or~~ alcoholic beverages, or Sugar-
18 Sweetened Beverages shall be allowed on any property owned by or under the control of the City
19 and County of San Francisco, except as exempted in subsections (c) and (d) below. For
20 purposes of this Section 4.20, "alcoholic beverage" shall be as defined in California Business
21 and ~~Professional~~ Professions Code section 23004 and shall not include cleaning solutions,
22 medical supplies, and other products and substances not intended for drinking, and "Sugar-
23 Sweetened Beverages" shall be as defined in subsection (e) below.

24 (b) This prohibition shall include the placement of the name of a company producing,
25 selling, or distributing cigarettes or tobacco products, ~~or~~ alcoholic beverages, or Sugar-

1 Sweetened Beverages, or the name of any cigarette or tobacco product, ~~or~~ alcoholic beverages,
2 or Sugar-Sweetened Beverages, in any promotion of any event or promotion of any product or
3 beverage on property owned by or under the control of the City and County of San Francisco.
4 This prohibition shall not apply to any advertisement sponsored by a state, local, nonprofit or
5 other entity designed to ~~(i1)~~ communicate the health hazards of cigarettes and tobacco
6 products, ~~or~~ alcoholic beverages or Sugar-Sweetened Beverages, ~~(ii2)~~ encourage people not to
7 smoke or to stop smoking, or encourage people not to drink ~~alcoholic~~ or to stop drinking
8 alcohol or Sugar-Sweetened Beverages, or ~~(iii3)~~ provide or publicize drug or alcohol treatment or
9 rehabilitation services.

10 (c) All leases, permits or agreements awarded by the City and County of San
11 Francisco allowing any person to use City property shall specifically provide that there shall be
12 no advertising of cigarettes or tobacco products, ~~or~~ alcoholic beverages, or Sugar-Sweetened
13 Beverages as set forth in this Section 4.20. ~~This~~ese prohibitions~~s~~ on advertising shall only apply
14 to those leases, permits or agreements entered into, renewed, or materially amended from
15 and after the effective date of ~~this~~ese ordinance establishing the prohibition.

16 (d) City property used for operation of a restaurant, concert or sports venue, or other
17 facility or event where the sale, production or consumption of alcoholic beverages is
18 permitted, shall be exempt from the alcoholic beverage advertising prohibition in subsections
19 (a) through (c) above, and City property used for operation of a restaurant, concert or sports venue,
20 or other facility or event where the sale or production of Sugar-Sweetened Beverages is permitted,
21 shall be exempt from the Sugar-Sweetened Beverage advertising prohibition in subsections (a) through
22 (c) above, but ~~this~~either of these prohibitions~~s~~ may be made applicable by lease, permit or
23 agreement.

24 (e) For purposes of this Section 4.20,
25

1 “Caloric Substance” means a substance that adds calories to the diet of a person who
2 consumes that substance.

3 “Caloric Sweetener” means any Caloric Substance suitable for human consumption that
4 humans perceive as sweet and includes, but is not limited to, sucrose, fructose, high fructose corn
5 syrup, glucose and other sugars.

6 “Medical Food” means medical food as defined in Section 109971 of the California Health and
7 Safety Code, including amendments to that Section.

8 “Milk” means natural liquid milk, natural milk concentrate or dehydrated natural milk
9 (whether or not reconstituted) regardless of animal source or butterfat content. For purposes of this
10 definition, “Milk” includes flavored milk containing no more than 40 grams of total sugar (naturally
11 occurring and from added Caloric Sweetener) per 12 ounces.

12 “Natural Fruit Juice” means the original liquid resulting from the pressing of fruit, the liquid
13 resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid resulting from
14 the complete restoration of water to dehydrated natural fruit juice.

15 “Natural Vegetable Juice” means the original liquid resulting from the pressing of vegetables,
16 the liquid resulting from the complete reconstitution of natural vegetable juice concentrate, or the
17 liquid resulting from the complete restoration of water to dehydrated natural vegetable juice.

18 “Nonalcoholic Beverage” means any beverage that is not subject to tax under Part 14
19 (commencing with Section 32001) of the California Revenue and Tax Code.

20 “Sugar-Sweetened Beverage” means any Nonalcoholic Beverage sold for human consumption
21 that has one or more added Caloric Sweeteners and contains more than 25 calories per 12 ounces of
22 beverage, or any powder or syrup with added Caloric Sweetener that is used for mixing, compounding,
23 or making Sugar-Sweetened Beverages. Notwithstanding the foregoing sentence, “Sugar-Sweetened
24 Beverage” does not include any of the following:

25 (1) Milk.

1 (2) Milk alternatives, including but not limited to non-dairy creamers or beverages
2 primarily consisting of plant-based ingredients (such as soy, rice, or almond milk products), regardless
3 of sugar content.

4 (3) Any beverage that contains solely 100 percent Natural Fruit Juice, Natural
5 Vegetable Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.

6 (4) Any product sold for consumption by infants, which is commonly referred to as
7 “infant formula,” or any product whose purpose is infant rehydration.

8 (5) Medical Food.

9 (6) Any product designed as supplemental, meal replacement, or sole-source nutrition
10 that includes proteins, carbohydrates, and multiple vitamins and minerals.

11 (7) Any product sold in liquid form designed for use as an oral nutritional therapy for
12 persons who may have a limited ability to absorb or metabolize dietary nutrients from traditional food
13 or beverages.

14 (8) Any product sold in liquid form designed for use for weight reduction.

15 Section 2. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor’s veto of the ordinance.

19
20 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
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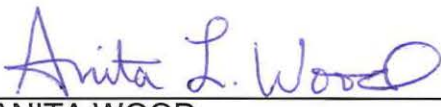
1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

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By: 
ANITA WOOD
Deputy City Attorney

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