



San Francisco Youth Commission

Agenda – Special

Monday, September 23rd, 2019

5:00 pm-8:00 pm

City Hall, Room 400

1. Dr. Carlton B. Goodlett Pl.

San Francisco, CA 94102

There will be public comment on each item.

Sarah Cheung, Valentina Alioto-Pier, Maggie Dong, Josephine Cureton, Calvin Quick, Khatab Alameri, Crystal Chan, JoJo Ty, Ariana Arana, Rome Jones, Amara Santos, Arianna Nassiri, Nora Hylton, Stephen “Rocky” Versace, Arsema Asfaw, Alexander Hirji, Sarah Ginsburg

- 1. Call to Order and Roll Call for Attendance (Discussion and Possible Action)**
- 2. Approval of Agenda (Action Item)**
- 3. Approval of Minutes (Action Item)**
 - A. September 4, 2019
([Document A](#))
- 4. Public Comment on Items not on Agenda (Discussion Only)**
- 5. Legislation Referred from the Board of Supervisors (All Items to Follow Discussion and Possible Action)**
 - A. BOS File No.190929 [Health Code - Sugar-Sweetened Beverage Warning for Advertisements]: Supervisors Walton and Brown
Presenter: Natalie Gee, Legislative Aide for Supervisor Walton
(Document B)
- 6. Presentations (All Items to Follow Discussion and Possible Action)**
 - A. San Francisco Public Library Transitional Age Youth (TAY) Advisory Board
Presenter: Gabriella Ruiz, TAY Public Service Aide
 - B. Our Children Our Families Presentation
Presenter: Alecia Barillas, MPA, Council Coordinator, Our Children, Our Families Council
 - C. Co-Sponsorship Request for District Attorney Candidate Forum from Coleman Advocates YMAC



Presenter: Andrea Mejia, Civic Engagement Organizer, Coleman Advocates for Children & Youth

- D. ConnectSF: Statement of Needs regarding Future of Transportation
Presenters: Camille Guiriba from SFCTA, Kansai Uchida from SFMTA, Peter Lauterborn from Civic Edge Consulting
(Document C)

7. Youth Commission Business (All Items to Follow Discussion and Possible Action)

- A. Election of 2019-20 Our Children Our Families Representative
- B. Motion No. 1920-AL-01 [Motion Declaring Solidarity with Climate Strikers in San Francisco and Internationally]
Sponsor: Commissioner Quick, Legislative Affairs Officer
(Document D)
- C. [First Reading] Resolution No. 1920-AL-02 [Omnibus Youth Commission Preliminary Budget Priorities - Priority Programs]
Sponsor: Commissioner Quick, Legislative Affairs Officer
(Document E)

8. Committee Reports (Discussion Only)

9. Staff Report (Discussion Only)

10. Announcements (This Includes Community Events)

11. Adjournment

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City Hall, Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Phone: (415) 554-6446, Fax: (415) 554-6140
Email: youthcom@sfgov.org
www.sfgov.org/yc

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE (Chapter 67 of the San Francisco Administrative Code) Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, please contact:
Sunshine Ordinance Task Force



City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689
Phone: (415) 554-7724, Fax: (415) 554-5784
Email: sotf@sfgov.org

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The ringing and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. The Chair may order the removal from the meeting room of any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

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To obtain a disability-related modification or accommodation, including auxiliary aids or services to participate in the meeting, please contact Kiely Hosmon, Youth Commission Director [phone: 415-554 6464; email: Kiely.hosmon@sfgov.org] at least 48 hours before the meeting, except for Monday meetings, for which the deadline is 4:00 p.m. the previous Friday. Full Commission Meetings are held in Room 416 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco. City Hall is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances.

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AVISO EN ESPAÑOL: La solicitud para un traductor debe recibirse antes de mediodía de el viernes anterior a la reunion. Llame a Derek Evans (415) 554-7702.

Paunawa: Ang mga kahilingan ay kailangang matanggap sa loob ng 48 oras bago mag miting upang matiyak na matutugunan ang mga hiling. Mangyaring tumawag kay Joy Lamug sa (415) 554-7712.

翻譯 必須在會議前最少四十八小時提出要求
請電 (415) 554-7719



San Francisco Youth Commission
Draft Minutes – Special
****Special Inaugural Meeting****
Wednesday, September 4, 2019
6:00 pm-8:00 pm
City Hall, Room 416
1. Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

There will be public comment on each item.

Sarah Cheung, Valentina Alioto-Pier, Maggie Dong, Josephine Cureton, Calvin Quick, Khatab Alameri, Crystal Chan, JoJo Ty, Ariana Arana, Rome Jones, Amara Santos, Arianna Nassiri, Nora Hylton, Stephen “Rocky” Versace, Arsema Asfaw, Alexander Hirji, Sarah Ginsburg

1. Call to Order and Roll Call for Attendance (Discussion and Possible Action)

Interim Chair Cureton calls the meeting to order at 6:08 PM. Quorum is Met.

2. Approval of Agenda (Action Item)

There was no public comment. Commissioner Quick motioned to approve of the agenda with amendment to table Item 6A due to SFPL Medical Emergency and presenter cancellation, seconded by Commissioner Nassiri. By a vote of acclamation, the motion passes.

3. Approval of Minutes (Action Item)

- A. July 1, 2019
([Document A](#))

There was no public comment. Commissioner Alameri motioned to approve of the July 1st, 2019 minutes, seconded by Commissioner Hylton. The motion passes by a vote of acclamation.

4. Public Comment on Items not on Agenda (Discussion Only)

Former Youth Commissioner, Zak Franet, offers his personal congratulations to the new Youth Commission cohort and offers his support to be helpful in anyway possible = for his contact information please ask Staff Hosmon.

5. Legislation Referred from the Board of Supervisors (All Items to Follow Discussion and Possible Action)

There was no legislation referred.

6. Presentations (All Items to Follow Discussion and Possible Action)

- A. San Francisco Public Library Transitional Age Youth (TAY) Advisory Board
Presenter: Gabriella Ruiz, TAY Public Service Aide



Item was tabled to another day due to SFPL medical emergency and presenter cancellation.

7. Consent Calendar (Action Item)

All items hereunder constitutes a Consent Calendar. There will be no separate discussion of these items unless a Commissioner so requests. In that event, the item will be removed from the Consent Calendar and considered as a separate item immediately following the vote on the rest of the items.

There was nothing to report.

8. Youth Commission Business (All Items to Follow Discussion and Possible Action)

- A. Adoption of 2019-20 Youth Commission Bylaws
Presenter: Youth Commission Staff
(Document B)

Interim Chair Cureton explains the process for the adoption of the bylaws. Commissioners reviewed and motioned to approve of articles one by one.

Commissioner Quick, seconded by Commissioner Hylton, motioned to approve of Article I. No public comment. The motion passes by a vote of acclamation.

Commissioner Jones, seconded by Commissioner Ginsburg, motioned to approve of Article II. There was no public comment. The motion passes by a vote of acclamation.

Commissioner Quick notices that the dates are not updated in Article III regarding the Mid-Year Retreat and other dates as noted. Commissioner Hirji, motioned to approve of Article III with amendment on the dates to be reflective of current year, seconded by Commissioner Alameri. There was no public comment. Motion passes by a vote of acclamation.

Commissioner Versace asks about if there will be any consequences to being later than 15 minutes if alerted day of. Interim Chair Cureton states that if informed to staff and executive committee, it will be an excused absence. There was no public comment. Commissioner Ty motioned to approve of Article IV, seconded by Commissioner Versace. Motion passes by a vote of acclamation.

Commissioner Santos inquires about how one goes about nominating someone for the committees. Interim Chair Cureton will go over the process later. There was no public comment. Commissioner Ginsburg, motioned to approve of Article V, seconded by Commissioner Cheung. Motion passes by a vote of acclamation.

There was no public comment. Commissioner Quick noted that the executive committee meeting time might change depending on bylaw changes. Commissioner Alameri, motioned to approve of Article VI, seconded by Commissioner Arana. The motion passes by a vote of acclamation.

There was no public comment. Commissioner Quick motioned to approve of Article VII, seconded by Commissioner Asfaw. Motions passes by a vote of acclamation.



There was no public comment. Commissioner Versace, motioned to approve of Article VIII, seconded by Commissioner Alioto-Pier. Motion passes by a vote of acclamation.

There was no public comment. Commissioner Quick noted the dates are not current. Commissioner Nassiri motioned to approve of Article VIII with amendments to dates, seconded by Commissioner Chan. Motion passes by a vote of acclamation.

Commissioner Santos asks how one goes about changing the charter. Commissioner Quick states that we can change the bylaws because it is under our purview, but to change the charter we would have to go to the voters. There was no public comment. Commissioner Santos motioned to approve of Article X, seconded by Commissioner Hirji.

There was no public comment. Commissioner Jones motioned to approve of all adopted 2019 -2020 Youth Commission Bylaws with listed amendments, seconded by Commissioner Hirji. Motion passes by a vote of acclamation.

B. Election of 2019-20 Youth Commission Executive Officers

- a. Interim Chair Cureton transfers chairmanship to Commissioner Nassiri for the first portion of the meeting as she plans to run. Commissioner Nassiri explains the process for electing the officer roles. Staff Hosmon reads the role and expectations based on the bylaws.
- b. Executive Chair:
 - i. Commissioner Quick nominates Commissioner Cureton to chair, seconded by Commissioner Versace. Commissioner Cureton accepts. There are no other nominations on the table. Commissioner Cureton shares her passion and dedication to the Youth Commission and hopes to build on the Youth Commission visibility and plans to build more with the Student Advisory council, Alumni Network and assist Commissioners on hosting their youth forums. There were no questions. There was no public comment. By a roll call vote, all commissioners nominated Commissioner Cureton. Congratulations, Commissioner Cureton is now our chair.
- c. Vice Chair:
 - i. Commissioner Dong nominates Commissioner Hylton for Vice Chair. Commissioner Hylton declines. Commissioner Quick, seconded by Commissioner Nassiri, nominates Commissioner Cheung for Vice Chair. Commissioner Cheung accepts and would be here to try and help out in any way. Commissioner Hylton asks what does Commissioner Cheung have a passion for and do outside of Youth Commission work. Commissioner Cheung has been working with TeenTechSF for the past 3 years and presented last year as the cochair for the stem inclusivity summit and had Sup. Walter and Director Sheryl Davis in attendance. By a vote of acclamation, all commissioners nominated Commissioner Cheung. Congratulations Commissioner Cheung for being our newest Vice Chair.
- d. Legislative Affairs Officer
 - i. Commissioner Nassiri nominates Commissioner Quick as the Legislative Affairs Officer, seconded by Commissioner Versace. Commissioner Quick accepts. Commissioner Santos asks about the



real life duties for the LAO. Commissioner Quick explains the legislative memos and tracking youth related legislation duties. Commissioner Quick addresses the commission by sharing his commitment to making sure other commissioners can feel empowered in this building to advocate for policy even without the privilege or background of working in those domains and plans to give back to the commission by offering support in writing legislation and fulfilling the legislative goals. Commissioner Santos asks for what that support would look like. Commissioner Quick supported last year's Housing and Land Use committee in drafting the resolution for the ERAF funding. There was no public comment. By a vote of acclamation, all commissioners nominated Commissioner Quick. Congratulations, Commissioner Quick is the new Legislative Affairs Officer.

e. Communications and Outreach Officers (2)

1. Nominations

- a. Commissioners Versace, seconded by Commissioner Quick nominates Commissioner Chan. Commissioner Chan accepts. Commissioner Nassiri, seconded by Commissioner Hylton nominate Commissioner Santos. Commissioner Santos accepts. Commissioner Hirji, seconded by Commissioner Ty, nominate Commissioner Alameri. Commissioner Alameri accepts. Commissioner Cureton seconded by Commissioner Quick, nominate Commissioner Versace. Commissioner Versace declines.

2. Remarks

- a. Commissioner Alameri remarks: He would be a good cmte officer, born and raised in sf, would love to meet everyone and good connections and help everyone as i can, type of guy - make time and will do whatever it is to make time and be ready and make the time.
- b. Commissioner Santos remarks: It is her first time, this role would best fit as communities to understand what's going on and gov't to understand what's going on in the communities - excelsior and sunset, to feel seen and make sure people's voices are heard and ongoing conversations with gov't - pretty famous on instagram - i'm verified.
- c. Commissioner Chan remarks: I represent district 7, good fit for cmte, I have experience in conducting events and great job in engaging more youth and past experiences, d7 youth council lake merced beach clean up and annual beach clean up and help youth commission in this role and strong social media presence and more followers and more stronger presence of community.

3. Questions

- a. Commissioner Jones: When referring to social media – what is the numeric value?



- i. Commissioner Alameri - i know how to use it, i'm not on it
- ii. Commissioner Santos - no big followers, are they interactive and would like to vouch that parents think I am tech savvy, number is small but I post good content
- iii. Commissioner Chan - personal account 488 followers and i also help manage lowell's hs - student run publication with 1600 followers
- b. Commissioner Arana: What would your specific outreach be to youth?
 - i. Commissioner Alameri - good friends and connections in CCDC, community workshops on how to gather and create events and good exp in any district and being able and open to talk and be as open and as real as possible
 - ii. Commissioner Santos – my experience with community orgs - mission bi in hs and educating communities to code, strong connections with staff, I'm willing and flexible to meet with any regard and being comfortable at event
 - iii. Commissioner Chan – I am also in community orgs, I am part of space for us project middle and high school career events, expand on that and help produce more career events in community and nature events for mental health, out in nature and grass and bird watching and hiking
- c. Commissioner Jones: if you have exp hosting events, can you put numerical value and largest one?
 - i. Commissioner Alameri - never hosted, but volunteer and being around community, something i hope to do as community outreach officer and get hyped and learn what event is about
 - 1. Commissioner Nassiri - but look at his family in attendance tonight
 - ii. Commissioner Santos - last job at ucsf - queer and trans youth to talk about public event, unhealthy relationship 350 people attend, plan and create events 300 -500 people, gala - 500 - 1k attend annually
 - iii. Commissioner Chan - lunar new year in d7, past April 100 -200 attendees, biggest events in career with projects based for us in aim high chinatown 100 attendees
- d. Commissioner Nassiri - simulation question: you are at school can't miss class, community event to publicize yc event on instagram how will you proceed?



- i. Commissioner Alameri - talking to teachers and admin to have compromise, to stay in to make event, good understanding with principal at school and make a difference in school
 - ii. Commissioner Santos - unable to leave, communicate with other officer, tell other commissioners - publicize to attend, last resort reach out to independent org and teachers, to get word out to attend
 - iii. Commissioner Chan - promote the event to local events, talk to school officials, field trip form, youth leader for YAD 2019, absences were unexcused - but this is more important than staying in school for finals and finding a compromise to field trip form to know where they are going or what work to be done
- e. Commissioner Ty- city hall is inaccessible, how would you outreach and engage to communities not of your own, heavily marginalized and not in space?
- i. Commissioner Alameri - friends of community, what they want in district and neighborhood and contacts, we want to reach out and have a workshop to make change, about issue and give public comment on agenda as well
 - ii. Commissioner Santos - when i did interview, we are going to come into these spaces, marginalized folks - codes and certain words that exclude them, important to reach out and officer to know and feel seen and come to event and make space and what have you, a quote - we don't have to be voice for the voiceless, just pass the mic - i want to hear their voices, asking for help and acknowledging that and community and the work
 - iii. Commissioner Chan - being more openminded and listening to opinions on what needs to change, agenda and organizing more events where youth from marginalized backgrounds, city hall belongs to youth - place where we can come to speak their mind and approachable to new ideas
- f. There was no public comment. With a roll call vote, Commissioner Santos (15), and Commissioner Chan (12) are the new Communications and Outreach Officers. Commissioner Alameri had 7 votes. At this point, Executive Committee will meet every other Wednesdays at 5pm to decide on the Full Youth Commission Meetings.

9. Committee Reports (Discussion Only)



Because there have not been any committee meetings yet, there is nothing to report. Civic Engagement will meet on Mondays room 270 at 4pm. Housing and Land Use meets on Thursdays in room 278 at 5pm. Transformative Justice cmte will be finalized within the week. There is also a need for an OCOF representative. According to the bylaws, if no one runs, the vice chair will be the representative.

10. Staff Report (Discussion Only)

Youth seat on police commission resolution sept 11 5pm. Mayor swearing – in ceremony Friday – Commissioner Asfaw, Versace, Nassiri, and Hylton will be in attendance. Staff Itzel will start in October. Staff Hosmon will be on vacation till 9/17.

11. Announcements (This Includes Community Events)

Commissioner Ty: district 8 - lyric, youth org that supports queer and trans internships in the fall & undocumented workforce

Commissioner Jones: 3rd street youth - speaking engagements - commission updated in district and support may need, friday to workout details to expand to conversations, and components of clinics and if i need support, i'll let you all know

Commissioner Asfaw, clarification - with resources and contacts

Commissioner Alameri - district 6 sunday streets, senior citizens with disability, alioto - pier, to watch and see what fun and games, non profit will be coming this weekend, join and volunteer and share details

Commissioner Santos: big book sale, fort mason sept 18, 10 am - 6pm, \$2 - 4 books and sfpl proceeds - sept 18 - 22nd

Commissioner Cheung: on sept 14 there is autumn moon festival in d1 - to experience Chinese culture, dragon dancing, and moon cake

12. Adjournment

Chair Cureton adjourns the meeting at 7:31pm.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee

DATE: September 18, 2019

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following hearing, introduced by Supervisor Walton on September 10, 2019. This item is being referred for comment and recommendation.

File No. 190929

Ordinance amending the Health Code by amending the Sugar-Sweetened Beverage Warning Ordinance to update the statement of findings and purpose; revise the definition of Advertiser; reduce the required warning size; modify the required warning text; and revise the enforcement provisions.

Please return this cover sheet with the Commission's response to John Carroll, Assistant Clerk, Public Safety and Neighborhood Services Committee.

RESPONSE FROM YOUTH COMMISSION Date: _____

_____ No Comment
_____ Recommendation Attached

Chairperson, Youth Commission

1 [Health Code - Sugar-Sweetened Beverage Warning for Advertisements]

2
3 **Ordinance amending the Health Code by amending the Sugar-Sweetened Beverage**
4 **Warning Ordinance to update the statement of findings and purpose; revise the**
5 **definition of Advertiser; reduce the required warning size; modify the required warning**
6 **text; and revise the enforcement provisions.**

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

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

15 Section 1. Article 42 of the Health Code is hereby amended by revising Division I,
16 Sections 4201 through 4204, to read as follows:

17 **SEC. 4201. FINDINGS AND PURPOSE.**

18 Human consumption of Sugar-Sweetened Beverages (SSBs) is linked to a myriad of
19 serious health problems including, but not limited to: weight gain, obesity, coronary heart
20 disease, *type 2* diabetes, tooth decay, and other health problems. According to the U.S.
21 Department of Agriculture's 2015-2020 Dietary Guidelines for Americans promulgated by the
22 Secretaries of Health and Human Services and Agriculture pursuant to congressional command every
23 five years (USDA Dietary Guidelines), a healthy eating pattern limits added sugars to no more than
24 10% of total energy intake per day. The American population consumes added sugars in excess of this
25 recommended limit. Added sugar accounts for about 13% of calories per day in the U.S. population,
and SSBs are Americans' single largest source of added sugar. SSBs account for 39% of all added
sugar intake, with 25% attributable to soda consumption alone. A single-serving 20-ounce soda bottle

1 exceeds the recommended daily allowance of added sugars, as does even a 12-ounce can of soda for
2 children.

3 About half of Americans aged two years and over drink soda on a daily basis. On average,
4 adults who drink soda consume 155 calories per day from that source (equivalent to 13 ounces). One
5 in four gets at least 200 calories per day from such beverages, and 5% obtain at least 567 calories per
6 day from soda, equivalent to four cans.

7 Yet SSBs supply no meaningful nutrition. These empty calories make it difficult for consumers
8 to maintain a high quality diet that incorporates the proper amounts from various food groups to meet
9 nutrient needs, while also staying within their recommended daily calorie limits.

10 SSB consumption is particularly high among African-Americans, Hispanics, and low-income
11 individuals—groups that also experience disproportionately high prevalence of obesity, and obesity-
12 related chronic diseases. In San Francisco, 46.4% of adults are obese or overweight, including 61.7%
13 of Hispanics and 51.3% of African Americans. The local health impact of type 2 diabetes falls
14 disproportionately upon minorities and less fortunate populations. For instance, hospitalization rates
15 for uncontrolled type 2 diabetes and its consequences are four to eight times higher in minority
16 communities and communities with lower educational attainment. And deaths attributable to type 2
17 diabetes in San Francisco are five times higher among African Americans.

18 Calories from SSBs tend to increase with age in childhood, with survey data showing that
19 children ages 2-5, 6-11, and 12-19 years consume 2, 5, and 12 ounces per day respectively. Based on
20 another analysis, 5% of young children, 16% of adolescents, and 20% of young adults consume more
21 than 500 calories per day from soda (equivalent to 40 ounces). Among boys under 19, 70% drink SSBs
22 daily, and 16% of adolescents and 20% of young adults consume more than 500 calories of soda per
23 day (the equivalent of two 20-oz single-serving bottles). A 2011 report measured obesity rates among
24 5th, 7th and 9th graders and found that 32% of San Francisco youth were overweight or obese.

1 In addition, the causal link between added dietary sugars, particularly from SSBs, and tooth
2 decay is well established. Tooth decay is the single most common chronic disease of childhood in the
3 United States, and can lead to pain, infection, and tooth loss. In recent years, 35% of San Francisco
4 Unified School District kindergartners experienced caries, and 22% had untreated tooth decay.

5 Minority children in San Francisco experience higher rates of both obesity and dental caries.
6 By fifth grade, 50% of Black/African American residents are overweight or obese, as compared to 25%
7 of White residents. And 40% of Black/African American children have experienced cavities by
8 kindergarten, as compared to 17% of White children the same age.

9 Scientific evidence shows that underlying these chronic health problems is metabolic syndrome
10 (MetS). MetS is characterized by changes in a body's normal biochemistry that can lead to obesity,
11 insulin resistance, hypertension, dyslipidemia (high cholesterol), and visceral fat. SSBs are linked to
12 excess weight and obesity, which are putting more Americans on the path to MetS. Heavy added sugar
13 consumption may itself be a direct cause of MetS by increasing the risk for hypertension, dyslipidemia,
14 and visceral fat. While most people with MetS are obese, normal-weight individuals can acquire the
15 syndrome as well, given poor dietary habits. Heavy consumption of sugary drinks has been linked to
16 MetS through a variety of biological pathways, and is therefore a risk factor in chronic disease.

17 The consumption of soft drinks, according to the American Dental Association, has displaced
18 nutritious beverages and foods from the diet. According to the American Heart Association, for the
19 American diet, soft drinks and other sugar-sweetened beverages are the primary source of added
20 sugar. According to the first print (February 2015) of the United States Department of Agriculture's
21 Scientific Report of the 2015 Dietary Guidelines Advisory Committee (the "2015 USDA Report"),
22 although added sugars provide calories, they do not provide other nutrients.

23 Sugar-sweetened sodas, and fruit drinks containing less than 100% juice by volume, are
24 major sources of added sugars in American diets, contributing an average of 10.58 teaspoons of added
25 sugars each day. The American Heart Association recommends that adult women consume no more

1 *than six teaspoons of added sugars daily, that adult men consume no more than nine teaspoons daily,*
2 *and that children ages 4-8 years old consume no more than three teaspoons daily. However, most*
3 *Americans consume more than 19.6 teaspoons of added sugars per day. Even regular, moderate*
4 *consumption of sugary drinks (one 12-ounce can a day) increases the risk of cardiovascular disease*
5 *mortality by nearly one-third.*

6 *The American Heart Association reports that about one in three teen or younger children in*
7 *the United States are overweight or obese and that childhood obesity is now the number one health*
8 *concern among American parents, ahead of drug abuse and smoking. Obese children suffer more often*
9 *from sleep apnea, asthma, joint problems, fatty liver disease, gallstones, and acid reflux (heartburn).*

10 *Obese children are more likely to become obese adults, further increasing their risks for*
11 *higher rates of type 2 diabetes, heart disease, and some cancers later in life. Profound mental health*
12 *and quality of life impacts are seen in children with severe obesity. Obese children are more prone to*
13 *low self-esteem, negative body image, and depression. As of 2010, nearly one-third of children and*
14 *adolescents in San Francisco were either obese or overweight.*

15 *Among adults, consumption of SSBs is associated with a risk of weight gain and obesity,*
16 *cardiovascular disease, a significantly higher risk of stroke, high blood pressure, type 2 diabetes,*
17 *dental erosion, and the risk of pancreatic cancer. The 2015 USDA Report concludes that the*
18 *consumption of added sugars negatively impacts obesity, type 2 diabetes, cardiovascular diseases and*
19 *dental caries, and "strong evidence supports reducing added sugar intake to reduce health risks." (See*
20 *also, USDA, Report of the Dietary Guidelines Advisory Committee on Dietary Guidelines for*
21 *Americans, 2010.) In 2011-2012, 41.8% of adults in San Francisco were either obese or overweight.*

22 *—The World Health Organization recommends that not more than 10% of calories be from*
23 *added sugars, and the Institute of Medicine (U.S.) recommends not more than 25%. Medical research*
24 *has shown that for over 70% of adults, 10% or more of calories is from added sugars, and for*
25 *approximately 10% of adults, 25% or more of calories is from added sugars, and that the risk of*

1 *mortality from cardiovascular disease increased exponentially with an increase in the percentage of*
2 *calories from added sugars. The 2015 USDA Report concludes that even though an appropriate pattern*
3 *of consumption of added sugars for most people is 4% to 6% of total calories, the mean intake of total*
4 *calories from the consumption of added sugars in the U.S. population is 13%, and from 15% to 17% for*
5 *children 9 years of age and older, adolescents, and young adults, and the evidence shows that when*
6 *added sugars in foods exceed 3% to 9% of total calories, a healthful food pattern may be difficult to*
7 *achieve.*

8 *—Low-income families are more likely to be affected by obesity and diabetes. For example, the*
9 *Bayview-Hunters Point neighborhood had more per capita emergency room visits due to diabetes*
10 *between 2009 and 2011 than any other neighborhood in San Francisco. Eighteen percent of three- to*
11 *four-year-olds enrolled in San Francisco Head Start were obese, with an additional 13% being*
12 *overweight. Head Start serves children of low-income families.*

13 *According to the American Dental Association, a steady diet of sugary foods and drinks,*
14 *including juice and sports drinks, can damage teeth. Cavity-causing bacteria in the mouth feed on*
15 *sugar and produce acids that attack tooth enamel for up to 20 minutes after eating or drinking. In*
16 *extreme cases, softer enamel combined with improper brushing, grinding of the teeth, or other*
17 *conditions can lead to tooth loss.*

18 The annual cost of being overweight and obese to California families, employers, the
19 health care industry, and the government is estimated to be \$21 billion. *The A 2013 San*
20 *Francisco Budget and Legislative Analyst report* estimates that up to \$61.8 million in costs
21 incurred by San Franciscans with obesity and diabetes are attributable to sugary beverage
22 consumption. *The total national cost of diabetes in 2007 was \$174 billion.*

23 *—For adults in San Francisco, approximately 29% of Caucasians, 50% of Latinos, 29% of*
24 *Asians, and 43% of African Americans consume one or more sodas each day. Of 9th graders in San*
25 *Francisco, approximately 31% of Caucasians, 48% of Latinos, 31% of Asians, and 58% of African*

1 ~~Americans consume one or more sodas each day. On average, children consumed 11.96 teaspoons of~~
2 ~~added sugars from sodas and fruit drinks per day—47% of their total intake of added sugars. A single~~
3 ~~12-ounce can of soda contains eight to ten teaspoons of sugar, and typical container sizes of popular~~
4 ~~sugary drinks marketed to children far exceed the American Heart Association's recommended daily~~
5 ~~amounts.~~

6 ~~Research shows that lifestyle interventions are more cost-effective than medications in~~
7 ~~preventing or delaying type 2 diabetes. The American Heart Association reports that U.S. food labels~~
8 ~~do not distinguish between sugars that naturally occur in foods and added sugars, making it difficult~~
9 ~~for consumers to know the amount of added sugars that are in food or beverages. And food producers~~
10 ~~and distributors do not typically communicate this information to consumers, in advertisements or~~
11 ~~otherwise.~~

12 ~~Yet sugar-sweetened beverages (SSBs) are aggressively marketed, and SSB advertisements do~~
13 ~~not contain information about added sugar or health risks. without providing such basic information~~
14 ~~to consumers, be they children, adolescents, young adults, or others. According to the 2015 USDA~~
15 ~~Report, young adults are among the largest consumers of sugar-sweetened beverages and are the direct~~
16 ~~targets of marketing for sugar-sweetened beverages. The City's purpose in requiring warnings for~~
17 ~~SSBs is to advance its strong interest in promoting the health of all San Franciscans, including~~
18 ~~children and adolescents and members of disadvantaged communities who more often lack access to~~
19 ~~important health facts, by ensuring they receive information about the health risks of SSBs as they make~~
20 ~~beverage choices. Advertising warnings afford consumers the opportunity to consider health~~
21 ~~information while they also process other information about a product. inform the public of the~~
22 ~~presence of added sugars and thus promote consumer choice that may result inThis information can~~
23 ~~help consumers reduced caloric intake and improved diet and health, thereby reducing illnesses~~
24 ~~to which SSBs contribute and associated economic burdens. Posting warnings that beverages~~
25 ~~are sugar-sweetened will inform the public before purchases, which will help ensure that San~~

1 *Franciscans make a more informed choice about the consumption of drinks that are a primary source*
2 *of added dietary sugar.*

3 **SEC. 4202. DEFINITIONS.**

4 "Advertiser" means any Person who is any of the following: (a) in the business of
5 manufacturing, distributing, *promoting*, or selling ~~s~~Sugar-~~s~~Sweetened ~~b~~Beverages, including
6 without limitation, a Retailer, *or (b) is an agent or contractor of a Person described in (a); (b) is in*
7 *the business of placing or installing advertisements, or who provides space for the display of*
8 *advertisements; or (c) is an agent or contractor of a Person described in (a) or (b) assisting such*
9 *Person with the manufacture, distribution or sale of sugar-sweetened beverage, the placement or*
10 *installation of advertisements, or the provision of space for advertisements. The term "Advertiser"*
11 *shall not include Persons generally in the business of placing, installing, or providing space for*
12 *display of advertisements, nor shall it include* the employees of a Person, including, without
13 limitation, employees of agents or contractors, except that it shall include individuals acting as
14 sole proprietors.

15 "Base Product" means the same as Powder.

16 "Beverage Dispensing Machine" means an automated device that mixes Concentrate
17 with one or more other ingredients and dispenses the resulting mixture into an open container
18 as a ready-to-drink beverage.

19 "Caloric Substance" means a substance that adds calories to the diet of *an individual*
20 *person* who consumes that substance.

21 "Caloric Sweetener" means any Caloric Substance suitable for human consumption
22 that humans perceive as sweet and includes, but is not limited to, sucrose, fructose, high
23 fructose corn sugar, glucose, and other sugars.

24 "City" means the City and County of San Francisco.
25

1 "Concentrate" means a Syrup, Powder, or Base Product that is used for mixing,
2 compounding, or making Sugar-Sweetened Beverages in a Beverage Dispensing Machine.

3 Notwithstanding the foregoing sentence, "Concentrate" does not include the following:

4 (a) Any product that is designed to be used primarily to prepare coffee or tea.

5 (b) Any product that is sold and is intended to be used for the purpose of an
6 individual consumer mixing, compounding, or making a Sugar-Sweetened Beverage.

7 (c) Any product sold for consumption by infants, which is commonly referred to
8 as "infant formula," or any product whose purpose is infant rehydration.

9 (d) Medical Food.

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

12 "Director" means the Director of Health, or ~~his or her~~ the Director's designated agents
13 or representatives.

14 "Medical Food" means medical food as defined in Section 109971 of the California
15 Health and Safety Code, including amendments to that Section.

16 "Milk" means natural liquid milk, natural milk concentrate or dehydrated natural milk
17 (whether or not reconstituted), regardless of animal source or butterfat content. For purposes
18 of this definition, "Milk" includes flavored milk containing no more than 40 grams of total sugar
19 (naturally-occurring and from added Caloric Sweetener) per 12 ounces.

20 "Natural Fruit Juice" means the original liquid resulting from the pressing of fruit, the
21 liquid resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid
22 resulting from the complete restoration of water to dehydrated natural fruit juice.

23 "Natural Vegetable Juice" means the original liquid resulting from the pressing of
24 vegetables, the liquid resulting from the complete reconstitution of natural vegetable juice
25

1 concentrate, or the liquid resulting from the complete restoration of water to dehydrated
2 natural vegetable juice.

3 "Nonalcoholic Beverage" means any beverage that is not subject to tax under Part 14
4 (commencing with Section 32001) of the California Revenue and Taxation Code, as amended
5 from time to time.

6 "Person" shall mean the City, an individual, firm, partnership, joint venture,
7 association, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other
8 group or combination acting as a unit.

9 "Powder" means a solid or liquid mixture of ingredients with added Caloric Sweetener
10 used in making, mixing, or compounding Sugar-Sweetened Beverages by mixing the Powder
11 with any one or more other ingredients, including, without limitation, water, ice, Syrup, Simple
12 Syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or other gas.

13 "Retailer" means any Person who sells Sugar-Sweetened Beverages to the ultimate
14 consumer (retail sales), including, without limitation, a Person who operates a facility where
15 Sugar-Sweetened Beverages may be purchased from vending machines.

16 "Simple Syrup" means a mixture of sugar and water.

17 "SSB Ad" means any advertisement, including, without limitation, any logo, that
18 identifies, promotes, or markets a Sugar-Sweetened Beverage for sale or use that is any of
19 the following: (a) on paper, poster, or a billboard; (b) in or on a stadium, arena, transit shelter,
20 or any other structure; (c) in or on a bus, car, train, pedicab, or any other vehicle; or (d) on a
21 wall, or any other surface or material. Notwithstanding the foregoing sentence, "SSB Ad" does
22 not include the following:

23 (a) ~~A~~ny advertisement that is in any newspaper, magazine, periodical,
24 advertisement circular, or other publication, or on television, the internet, or other electronic
25 media;

1 (b) Containers or packages for Sugar-Sweetened Beverages;

2 (c) Any menus or handwritten listings or representations of foods and/or
3 beverages that may be served or ordered for consumption in a Retailer's establishment;

4 (d) Any display or representation of or other information about, a sSugar-
5 sSweetened bBeverage, including, without limitation, any logo, on a vehicle, if the vehicle is
6 being used by any Person who is in the business of manufacturing, distributing, or selling the
7 sSugar-sSweetened bBeverage in the performance of such business;

8 (e) Any logo that occupies an area that is less than 36 square inches and is
9 unaccompanied by any other display, representation, or other information identifying,
10 promoting, or marketing a sSugar-sSweetened bBeverage; ~~or.~~

11 (f) Any shelf tag or shelf label that states the retail price, order code,
12 description, or size of a product for sale.

13 "Sugar-Sweetened Beverage" means any Nonalcoholic Beverage sold for human
14 consumption, including, without limitation, beverages produced from Concentrate, that has
15 one or more added Caloric Sweeteners and contains more than 25 calories per 12 ounces of
16 beverage. Notwithstanding the foregoing sentence, "Sugar-Sweetened Beverage" does not
17 include any of the following:

18 (a) Milk.

19 (b) Milk alternatives, including but not limited to non-dairy creamers or
20 beverages primarily consisting of plant-based ingredients (e.g., soy, rice, or almond milk
21 products), regardless of sugar content.

22 (c) Any beverage that contains solely 100% Natural Fruit Juice, Natural
23 Vegetable Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.

24 (d) Any product sold for consumption by infants, which is commonly referred to
25 as "infant formula," or any product whose purpose is infant rehydration.

1 (e) Medical Food.

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

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

7 (h) Any product sold in liquid form designed for use for weight reduction.

8 "Syrup" means the liquid mixture of ingredients used in making, mixing, or
9 compounding Sugar-Sweetened Beverages using one or more ingredients, including, without
10 limitation, water, ice, a Base Product, Powder, Simple Syrup, fruits, vegetables, fruit juice,
11 vegetable juice, or carbonation or other gas.

12 **SEC. 4203. SUGAR-SWEETENED BEVERAGE WARNING ON ADVERTISEMENTS.**

13 (a) ~~Commencing on the operative date of this Division I (Ordinance No. 100-15) (the~~
14 ~~"Operative Date"), which is one year after the effective date of this Division, Beginning on the operative~~
15 ~~date of the ordinance in File No. 190929 amending Sections 4201-4204, any Advertiser who posts~~
16 ~~an SSB Ad, or causes an SSB Ad to be posted, in San Francisco shall place on the SSB Ad~~
17 ~~the following warning, including as amended in accordance with § subsection 4203(c) below~~
18 ~~(the "Warning"):~~

19 "SAN FRANCISCO GOVERNMENT WARNING: Drinking beverages with added sugar(s)
20 may contribute to obesity, type 2 diabetes, and tooth decay. ~~This is a message from the City and~~
21 ~~County of San Francisco.~~"

22 Any SSB Ad not expressly exempt from this requirement under Section 4203(d) must meet this
23 requirement, whether or not the SSB Ad was posted prior to the operative date of the ordinance in File
24 No. 190929 amending Sections 4201-4204.

1 (b) All the letters in the Warning shall appear in conspicuous and legible type in
2 contrast by typography, layout, or color with all other printed material in the SSB Ad. The
3 words "SAN FRANCISCO GOVERNMENT WARNING" shall appear in capital letters. The
4 Warning shall be enclosed in a rectangular border within the printed advertisement that is the
5 same color as the letters of the Warning and that is the width of the first downstroke of the
6 capital "W" of the word "WARNING." The Warning shall occupy at least 2010% of the area of
7 each SSB Ad and the text shall be printed in a size and manner so as to be clearly legible to
8 the intended viewers of the SSB Ad. The text of the Warning shall be positioned such that the
9 Warning and the other information on the SSB Ad have the same orientation, such that text in
10 the SSB Ad and the Warning are read in the same direction (for example, left to right, or
11 bottom to top). The Warning shall be indelibly printed on or permanently affixed to each SSB
12 Ad.

13 (c) ~~The Director may by regulation, following a publicly noticed hearing, modify the~~
14 ~~Warning in any of the following ways: (1) change the text of the Warning based on available medical~~
15 ~~or scientific information regarding the health impact of Sugar Sweetened Beverages; (2) set, and later~~
16 ~~modify in the Director's discretion, the size of the text of the Warning within the 2010% area specified~~
17 ~~in Subsection 4203(b) to ensure the Warning is clear, legible, and conspicuous; or (3) modify the~~
18 ~~minimum area of SSB Ads that the Warning must occupy to improve or ensure the effectiveness of the~~
19 ~~Warning. Any such regulations adopted by the Director shall not be effective before one year after the~~
20 ~~date of the adoption of the regulation. In addition, t~~The Director may, after a publicly noticed
21 hearing, adopt ~~other~~ rules and regulations for the implementation of this Division I. The
22 Director may also issue guidelines pertaining to implementation.

23 (d) Exclusions. This Division I does not apply to any action by an Advertiser
24 regarding;

1 (1) any business sign, ~~excluding any general advertising sign unless it satisfies (2)~~
2 ~~below~~, permitted by the City on or before ~~October 20, 2015~~ January 1, 2020;

3 (2) any general advertising sign permitted by the City before the ~~Operative~~
4 ~~Date~~ operative date of the ordinance in File No. 190929 amending Sections 4201-4204 that includes
5 an SSB Ad, if the SSB Ad has not been substantially changed for a period of 50 or more years
6 before ~~that~~ Operative Ddate and the Advertiser provides the Director, on the Director's
7 request, records or other information that substantiates the SSB Ad has not been substantially
8 changed over the 50-year period; or

9 (3) any SSB Ad, other than those excepted from the application of this Division
10 in subsections (d)(1) and (2) above, including any reproduction, that was created before
11 December 31, 1985 for which the Advertiser provides to the Director, on the Director's
12 request, records or other information that substantiates the date that the SSB Ad was created
13 before December 31, 1985.

14 For purposes of this Division I, "business sign," "general advertising sign," and "sign"
15 shall have the meanings provided in Section 602.7 of the Planning Code (Business Sign,
16 General Advertising Sign, Sign), as amended or renumbered from time to time, ~~and "sign" shall~~
17 ~~have the meaning provided in Section 602.19 of the Planning Code (Sign), as amended or renumbered~~
18 ~~from time to time.~~

19 **SEC. 4204. PENALTIES AND ENFORCEMENT.**

20 (a) The Director may assess and collect administrative penalties from an Advertiser for any
21 violation of the provisions of this Division I. The Director may assess an administrative penalty not
22 exceeding \$250 for a first violation; not exceeding \$500 for the second violation within a 12-month
23 period; and not exceeding \$1,000 for the third and each subsequent violation within a 12-month period.

24 (b) Before imposing an administrative penalty, the Director must serve upon the Advertiser a
25 notice of determination. The notice of determination shall include both the proposed administrative

1 penalty and the alleged acts or failures to act that constitute the basis for the administrative penalty.
2 The notice of determination shall inform the Advertiser that it has the right to request administrative
3 review of the notice of determination within 15 days of the date of the notice. Each date on which the
4 Director generates a notice of determination documenting a violation shall constitute a separate
5 violation for purposes of administrative penalties.

6 (c) If no request for review of the Director's determination is filed by the Advertiser with the
7 Department of Public Health within the period specified in subsection (b) above, the determination
8 shall be deemed final and shall be effective 15 days after the notice of determination was served on the
9 Advertiser. The Director shall issue an order of determination ("Order") imposing the administrative
10 penalty specified in the notice of determination, and shall serve it on the Advertiser. Payment of any
11 administrative penalty is due within 30 days of service of the Order. Any administrative penalty
12 assessed and received under this Division shall be paid to the Treasurer of the City and County of San
13 Francisco.

14 (d) If the Advertiser files a timely request for review of the Director's notice of determination
15 with the Department of Public Health, the Director shall conduct a hearing. Within 15 days of receipt
16 of the request, the Director shall notify the Advertiser of the date, time, and place of the hearing. Such
17 hearing shall be held no later than 30 days after the Director receives the request, unless time is
18 extended by mutual agreement of the parties. The Director may adopt rules and regulations regarding
19 the hearing procedures.

20 (e) No later than 30 days following the hearing specified in subsection (d) above, the Director
21 shall serve written notice of the Director's decision ("Decision") on the Advertiser. If the Decision is
22 that the Advertiser must pay an administrative penalty, the Decision shall state that the recipient has 10
23 days in which to pay the administrative penalty. Any administrative penalty assessed and received in
24 an action brought under this Article shall be paid to the Treasurer of the City and County of San
25 Francisco.

1 (f) Once the administrative penalty amount becomes final after any administrative appeal or
2 judicial review or upon expiration of time to take such appeal or seek such review, the amount of the
3 administrative penalty shall be an obligation due and owing to the City and County of San Francisco
4 and shall accrue interest at the rate of 10% per annum until paid.

5 (g) The City Attorney may at any time institute civil proceedings for injunctive and monetary
6 relief including civil penalties, against any Advertiser for violations of this Division I, without regard to
7 whether the Director has assessed or collected administrative penalties. The Director may refer a case
8 to the City Attorney's Office for civil enforcement, but a referral is not required for the City Attorney to
9 bring a civil action under this subsection (g).

10 (h) Any Advertiser that violates any provision of this Division I shall be subject to injunctive
11 relief and a civil penalty in an amount not to exceed \$1,000 for each violation per day each violation is
12 committed or allowed to continue, which penalty shall be assessed and recovered in a civil action
13 brought in the name of the people of the City and County of San Francisco by the City Attorney in any
14 court of competent jurisdiction. In assessing the amount of the civil penalty, the court shall consider
15 any one or more of the relevant circumstances presented by any of the parties to the case, including but
16 not limited to, the following: the nature and seriousness of the misconduct giving rise to the violation,
17 the number of violations, the persistence of the misconduct, the length of time over which the
18 misconduct occurred, the willfulness of the misconduct, and the defendant's assets, liabilities, and net
19 worth.

20 (i) The City may recover reasonable attorneys' fees and costs for civil actions brought
21 pursuant to this Section 4204, whether brought pursuant to subsection (g), or brought to obtain a court
22 order requiring payment of an administrative penalty.

23 (j) Remedies under this Section 4204 are non-exclusive and cumulative to all other remedies
24 available at law or equity.

1 ~~The Director may assess and collect administrative penalties for the violation of Section 4203 in~~
2 ~~accordance with Administrative Code Chapter 100, "Procedures Governing the Imposition of~~
3 ~~Administrative Fines," as may be amended from time to time. Chapter 100, which is incorporated~~
4 ~~herein in its entirety, shall govern the amount of fees and the procedures for imposition, enforcement,~~
5 ~~collection, and administrative review of administrative citations; provided that, for each placement of~~
6 ~~an SSB Ad, each day a violation is committed or permitted to continue shall constitute a separate~~
7 ~~violation of Section 4203 and each Advertiser that posted or caused the SSB Ad to be posted is a~~
8 ~~separate violator of Section 4203 subject to penalties under this Section.~~

9 ~~(b) A Retailer shall not be deemed in violation of Section 4203 unless the Retailer continues~~
10 ~~to allow an SSB Ad to be posted in or on the Retailer's establishment 30 days after the Retailer received~~
11 ~~a written notice from the Director that the SSB Ad is in violation of Section 4203.~~

12 (ek) City departments shall cooperate with the Director and City Attorney's Office in
13 the enforcement of this Division I.

14
15 Section 2. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the
18 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board
19 amendment additions, and Board amendment deletions in accordance with the "Note" that
20 appears under the official title of the ordinance.

21
22 Section 3. Undertaking for the General Welfare. In enacting and implementing this
23 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
24 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
25

1 is liable in money damages to any person who claims that such breach proximately caused
2 injury.

3
4 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word
5 of this ordinance, or any application thereof to any person or circumstance, is held to be
6 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
7 shall not affect the validity of the remaining portions or applications of the ordinance. The
8 Board of Supervisors hereby declares that it would have passed this ordinance and each and
9 every section, subsection, sentence, clause, phrase, and word not declared invalid or
10 unconstitutional without regard to whether any other portion of this ordinance or application
11 thereof would be subsequently declared invalid or unconstitutional.

12
13 Section 5. No Conflict with Federal or State Law. Nothing in this ordinance shall be
14 interpreted or applied so as to create any requirement, power, or duty in conflict with any
15 federal or state law.

16
17 Section 6. Effective and Operative Dates. This ordinance shall become effective 30
18 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
19 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
20 or the Board of Supervisors overrides the Mayor's veto of the ordinance. Other than where
21 specifically noted, this ordinance shall become operative one year from its effective date.

22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: 

NEHA GUPTA
Deputy City Attorney

25 n:\legana\as2019\1900406\01390257.docx

LEGISLATIVE DIGEST

[Health Code - Sugar-Sweetened Beverage Warning for Advertisements]

Ordinance amending the Health Code by amending the Sugar-Sweetened Beverage Warning Ordinance to update the statement of findings and purpose; revise the definition of Advertiser; reduce the required warning size; modify the required warning text; and revise the enforcement provisions.

Existing Law

The City's Sugar-Sweetened Beverage Warning Ordinance was enacted in 2015 in Article 42 of the Health Code. It mandated that "advertisers" who post, or cause others to post, ads in San Francisco for sugar-sweetened beverages ("SSBs") include on the ads a 20% size warning about the health effects of sugar consumption. The required text of the health warning was as follows: "WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay. This is a message from the City and County of San Francisco."

It defined "advertisers" to include persons or entities, as well as their agents or contractors, that are in the business of manufacturing, distributing, or selling sugar-sweetened beverages, or in the business of placing or installing ads, or providing space for ads. The requirement applied to ads on paper, poster, billboards, or in or on transit shelters, stadiums, or other structures, buses, trains, cars, or other vehicles, or on walls or other surfaces or materials, but not print, television, or electronic media ads. It provided for a 2016 operative date.

Litigation regarding the ordinance prevented it from becoming operative. Shortly after the ordinance's enactment in 2015, the American Beverage Association, California Retailers Association, and California State Outdoor Advertising Association (collectively, "the plaintiffs") filed a lawsuit in federal court alleging that the ordinance presented a misleading, and an unjustified or unduly burdensome, disclosure requirement that offends the First Amendment by chilling protected commercial speech. Supreme Court precedent set forth in *Zauderer v. Office of Disciplinary Counsel of Supreme Court*, 471 U.S. 626 (1985), requires that government-mandated warnings in connection with commercial speech be purely factual and uncontroversial, not unduly burdensome, and reasonably related to a substantial government interest. The plaintiffs moved for a preliminary injunction to halt enforcement of the ordinance. While the District Court ruled for the City and denied the preliminary injunction, it enjoined enforcement of the ordinance while the plaintiffs sought an appeal. First a three-judge appellate panel of the Ninth Circuit, and then an 11-judge panel that reheard the appeal en banc, reversed the District Court's decision and found in the plaintiffs' favor. See *American Beverage, et al. v. City and County of San Francisco*, 916 F.3d 749 (9th Cir. 2019). The en banc court concluded only that the City had not carried its burden to justify the requirement that the required health warning occupy 20% of the advertisement. In a separate concurring

opinion, two judges expressed the view that the warning should refer specifically to type 2 diabetes (because the evidence does not show an association between SSB consumption and type 1 diabetes), and that the phrase “may contribute,” rather than “contributes,” would better reflect the City’s understanding that not every consumer of SSBs will become obese or suffer from tooth decay or type 2 diabetes. The District Court recently entered a preliminary injunction pursuant to the Ninth Circuit’s decision.

Amendments to Current Law

The proposed ordinance would amend the Sugar-Sweetened Beverage Advertising Warning Ordinance in several ways. First, it updates the ordinance’s statement of findings and purpose with more recent information about the U.S. Department of Agriculture’s Dietary Guidelines and patterns of consumption. Second, it amends the definition of “advertiser” to include persons in the business of manufacturing, selling, or promoting SSBs or their agents or contractors, but to exclude persons generally in the business of placing, installing, or providing space for display of advertisements. Third, it reduces the size of the required warning from 20% to 10% of the total area of the ad.

Fourth, it modifies the text of the required warning to: “SAN FRANCISCO GOVERNMENT WARNING: Drinking beverages with added sugar(s) may contribute to obesity, type 2 diabetes, and tooth decay.” These modifications reduce the number of words in the required warning, and make the additional changes in light of the concurring opinion referred to above. And fifth, it revises the ordinance’s enforcement provisions, charging the Director of the Department of Public Health with issuing administrative notices, conducting hearings, and ordering administrative penalties. The revised enforcement provisions would also permit the City Attorney’s Office to pursue civil enforcement.

These proposed amendments would become operative one year from the ordinance’s effective date.

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2019 SEP 10 PM 3:45 Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Walton, Brown

Subject:

Health Code - Modified Sugar Sweetened Beverage Warning for Advertisements

The text is listed:

Ordinance amending Health Code to 1) revise findings and purpose; 2) amend definition of Advertiser; 3) reduce required warning size; 4) modify required warning text; and 5) revise enforcement provisions.

Signature of Sponsoring Supervisor: []

For Clerk's Use Only



Statement of Needs:

Challenges to Making the ConnectSF Vision a Reality

About ConnectSF: Partnership and Collaboration

ConnectSF is a multi-agency process to build an effective, equitable, and sustainable transportation system for San Francisco's future



**San Francisco
County Transportation
Authority**



ConnectSF Vision

About ConnectSF: Goals



Equity



**Environmental
Sustainability**



**Economic
Vitality**

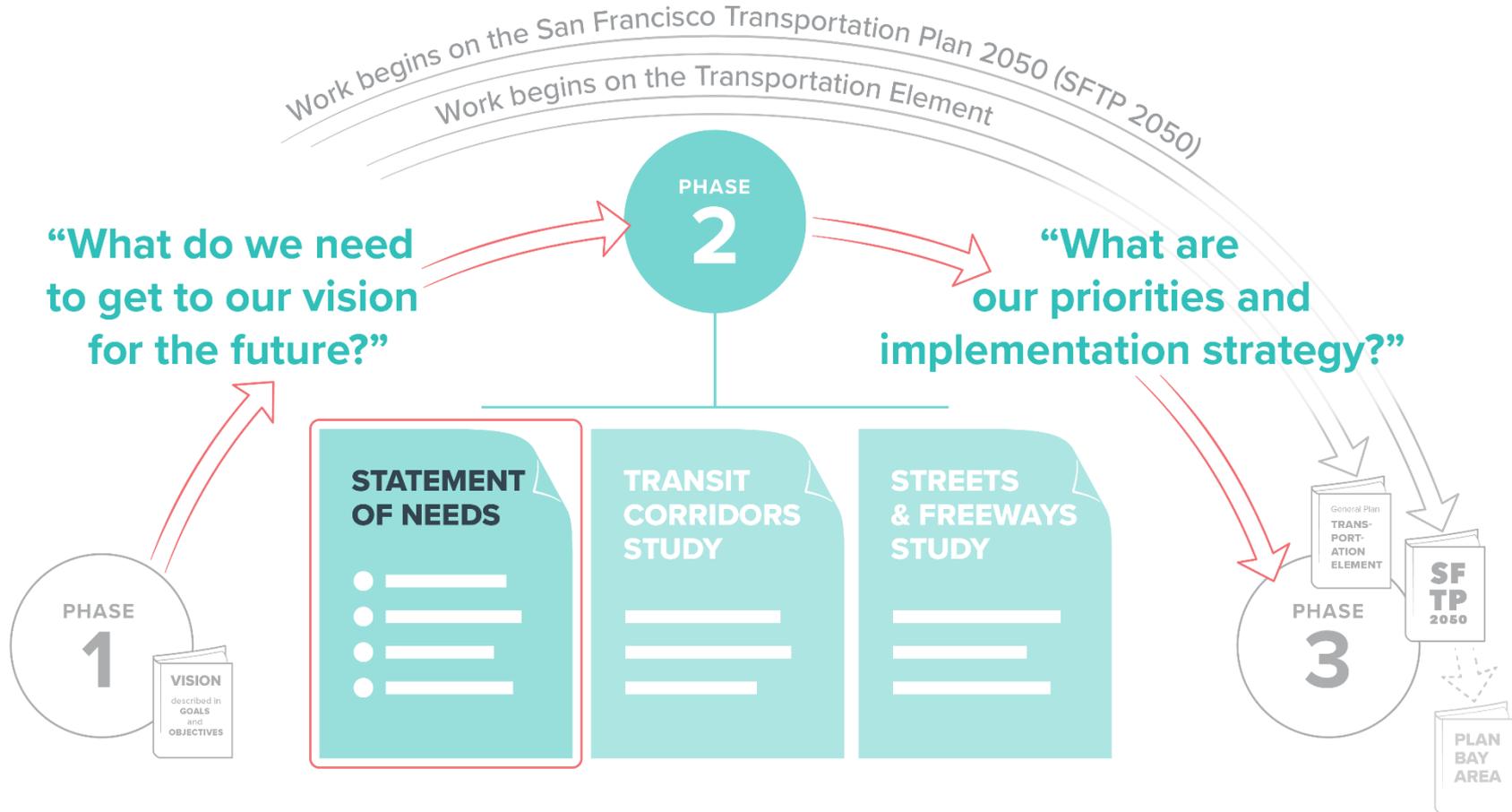


**Safety &
Livability**



**Accountability
and Engagement**

About ConnectSF: Overall Process





Key Question for Statement of Needs

What challenges do we need to address to get to our vision for the future?

Insert photo credit.

Key Findings

Fast paced growth has occurred since 1980, and will likely continue

Our transportation policies are working, but we need to do more to meet our aggressive goals

New policies and investments - both incremental and transformational - are needed

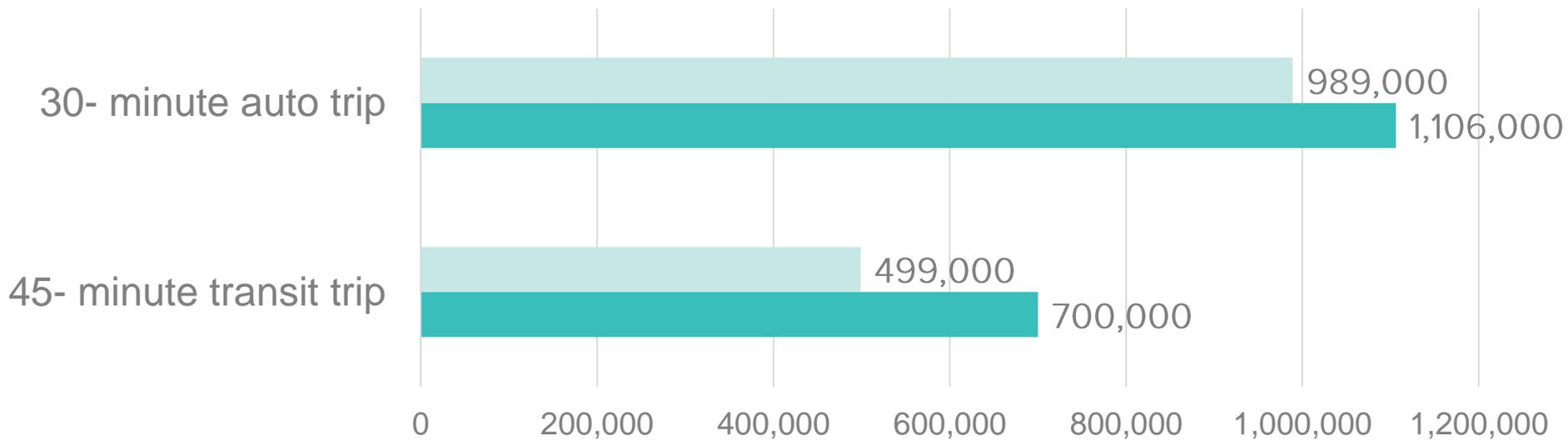
Challenge: Accommodate Forecasted Growth

	San Francisco		
	2015	2050	% Change
Population	880,000	1,245,000	29%
Jobs	745,000	924,000	24%

	Bay Area		
	2015	2050	% Change
Population	7,330,000	10,350,000	41%
Jobs	3,798,000	5,059,000	33%

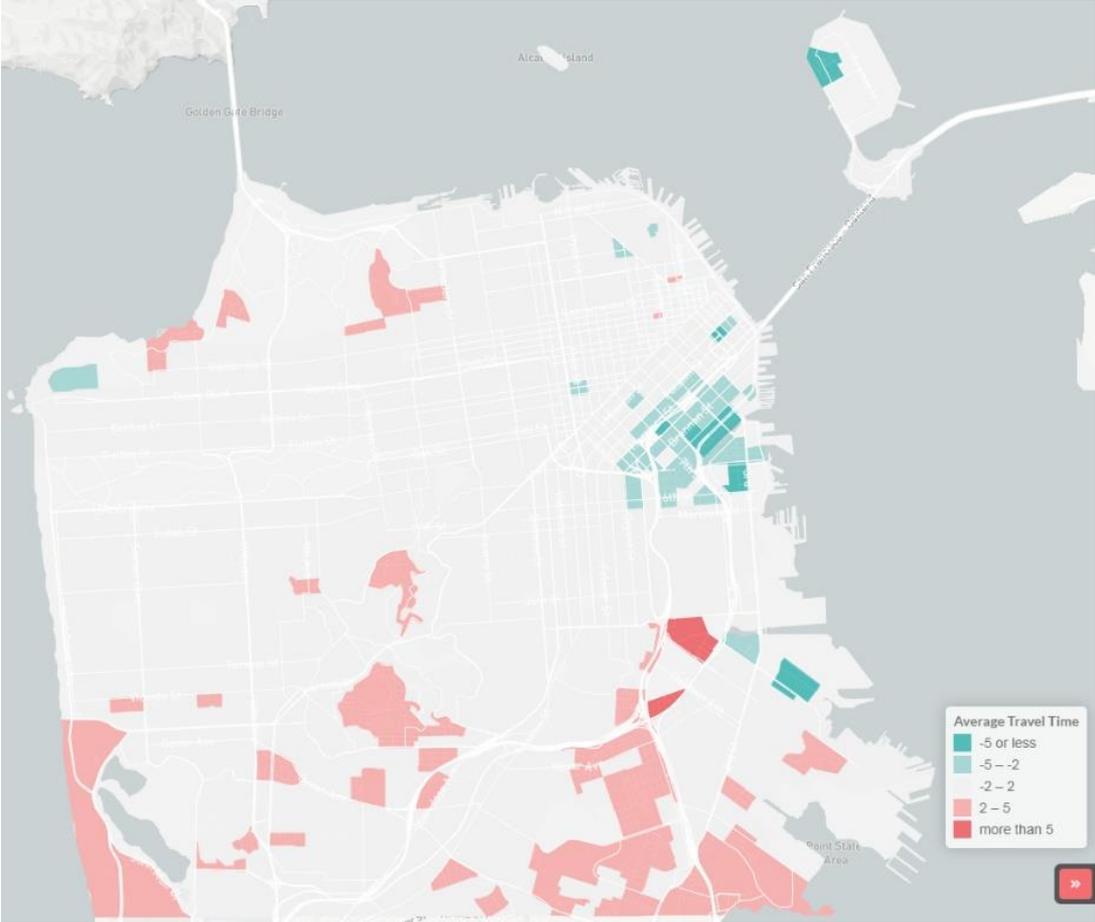
Challenge: Improve Job Access via Sustainable Modes

Number of Jobs Accessible by Mode



Challenge: Improve Connections to Outer Neighborhoods

2015-2050 Change
in Average Commute
Time (minutes)



Challenge: Create Equitable Transportation Outcomes

CoCs are Communities of Concern

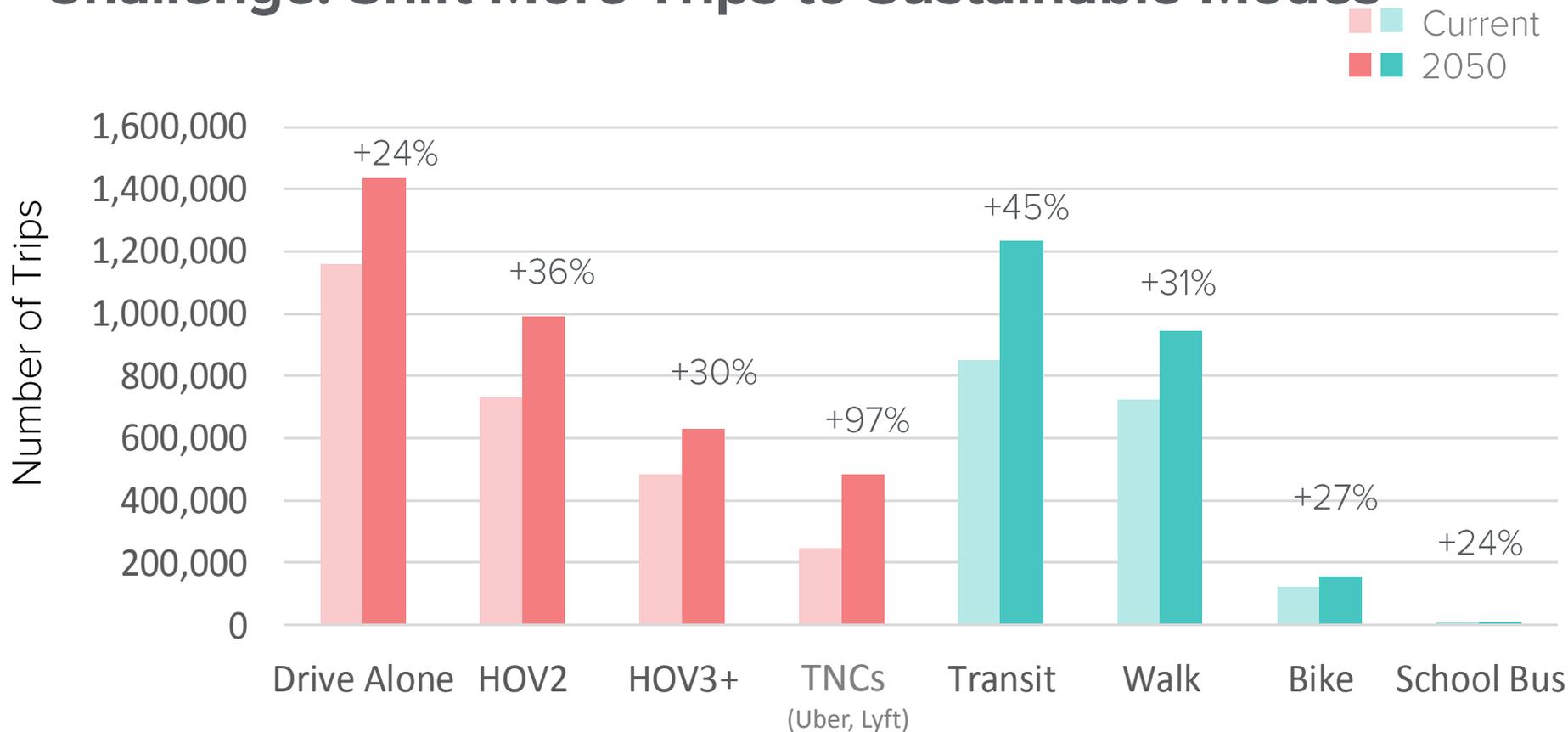
Commute Times (minutes)

	2015	2050	% Change
CoC	21.7	23.0	6%
Non-CoC	25.1	25.0	0%

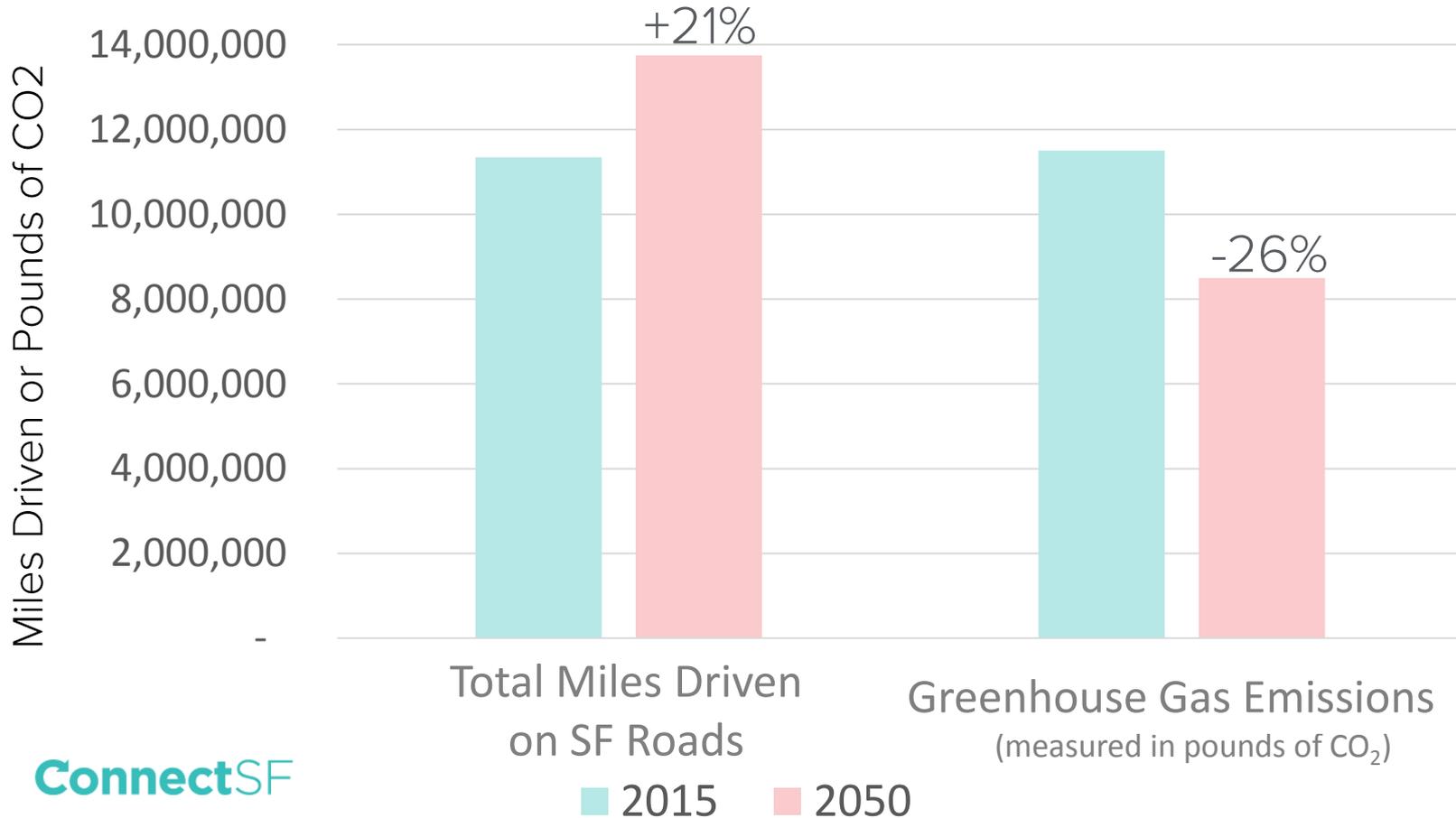
Share of Population with Access to High-Quality Transit

	2015	2050	% Change
CoC	94.1%	90.5%	-3.9%
Non-CoC	85.3%	88.6%	+3.9%

Challenge: Shift More Trips to Sustainable Modes

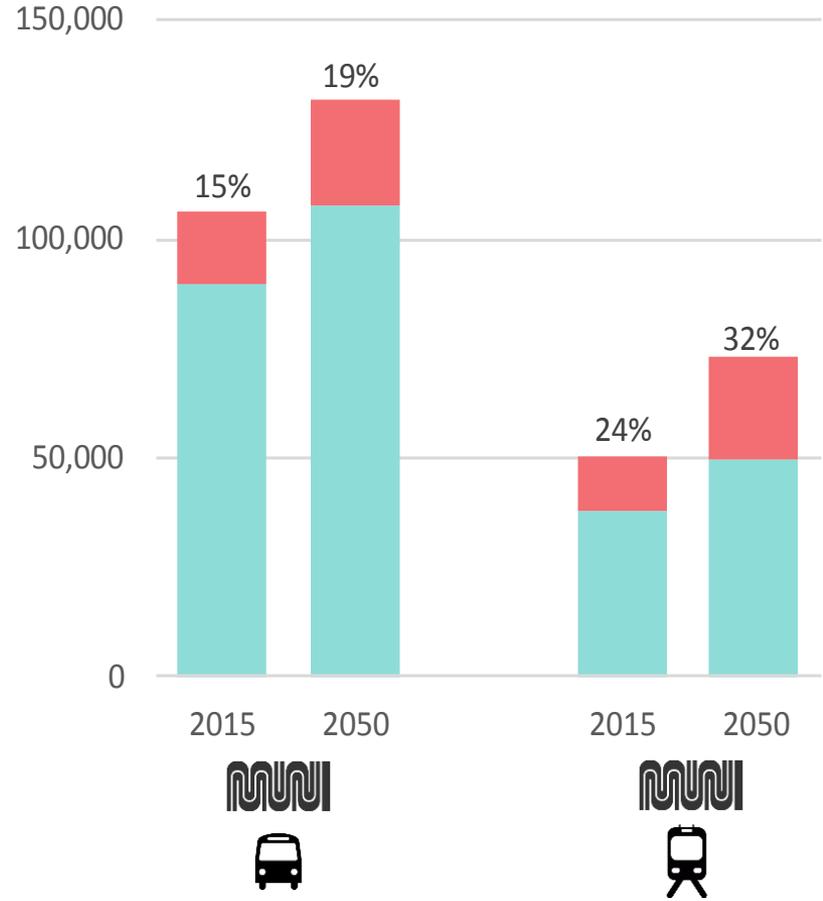
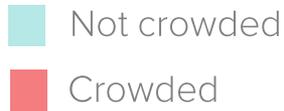


Challenge: Reduce Emissions More Significantly



Challenge: Further Expand Transit Capacity

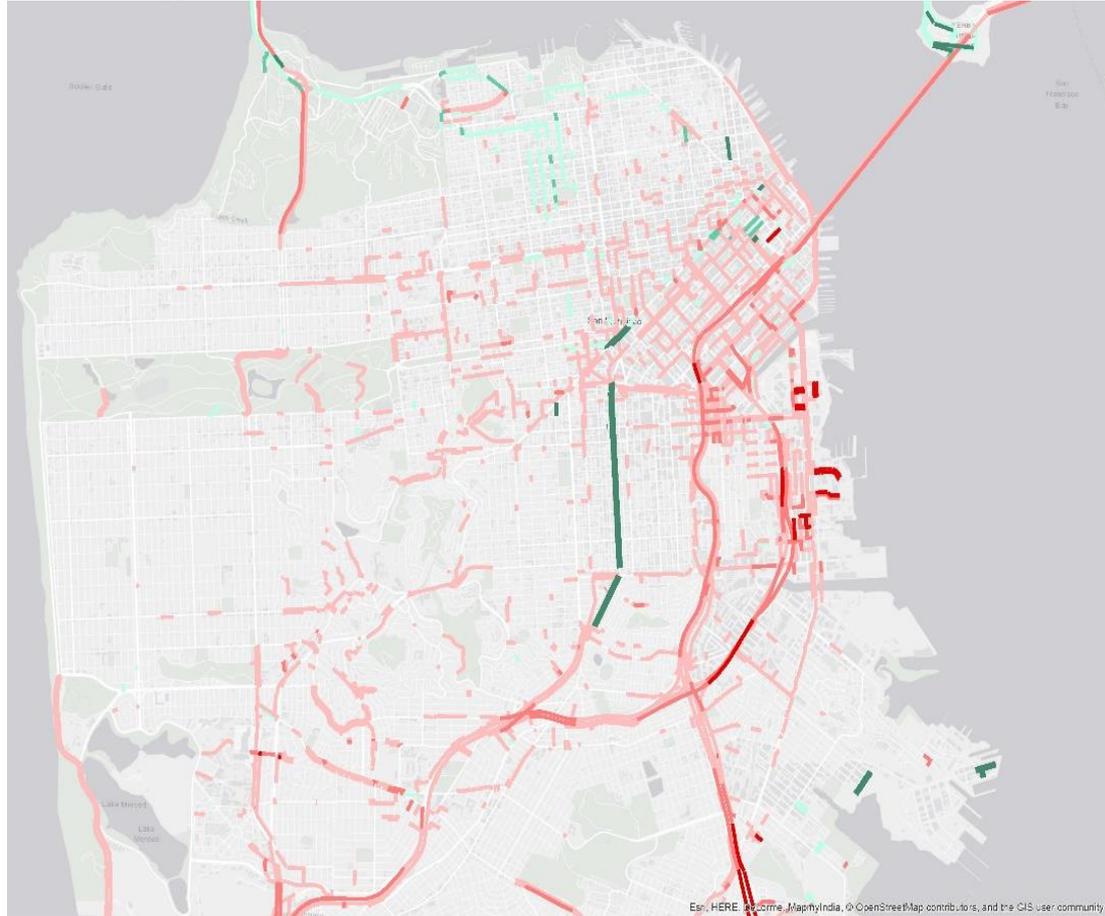
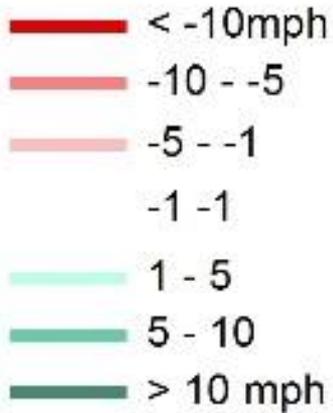
Average Weekday
Passenger Hours
by Crowding Level –
Muni



Challenge: Manage Congestion

Change in AM Speeds by Road Segment

Congestion forecasted on most corridors



Key Findings Recap

Challenges to Address



EQUITY



ECONOMIC
VITALITY



ENVIRONMENTAL
SUSTAINABILITY

Create Equitable Transportation Outcomes

- Improve transportation connections for outer neighborhoods
- Improve jobs access via sustainable modes

Improve Sustainability

- Reduce emissions by shifting more trips to sustainable modes
- Further expand transit capacity
- Manage congestion

Accommodate Forecasted Growth

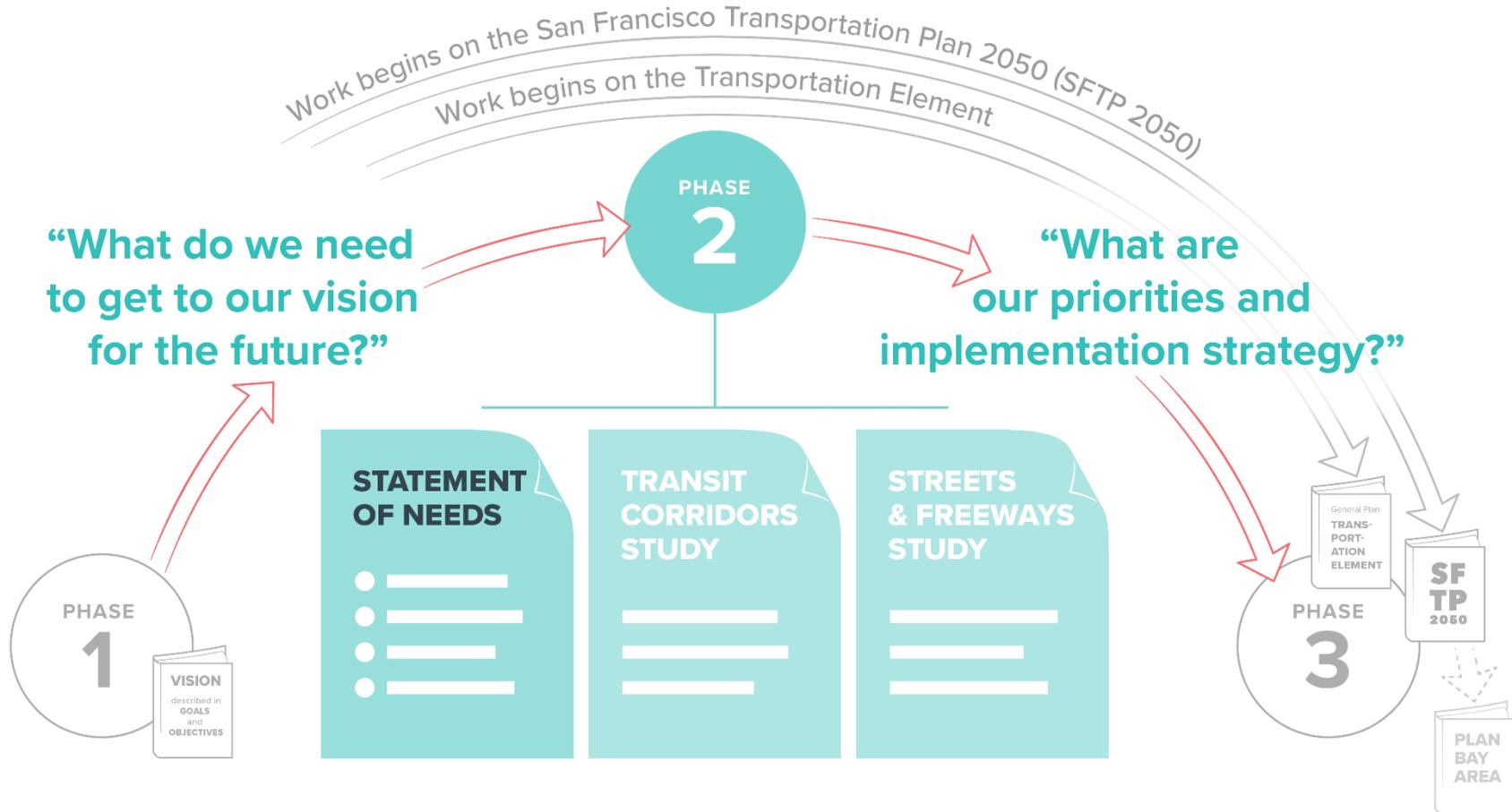
Key Findings Recap

Fast paced growth has occurred since 1980, and will likely continue

Our transportation policies are working, but we need to do more to meet our aggressive goals

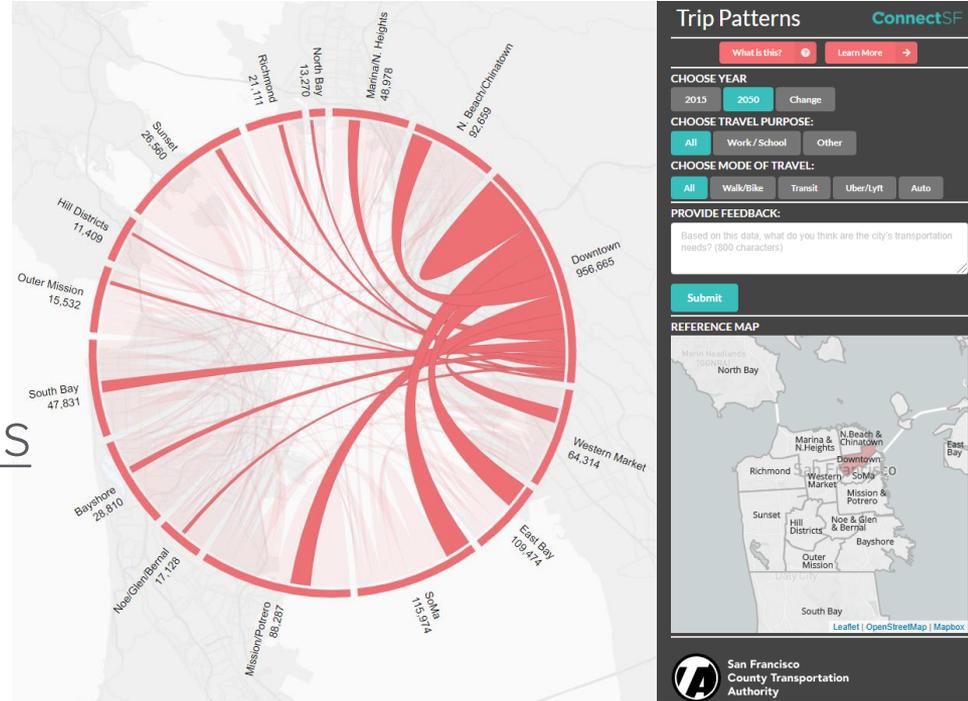
New policies and investments - both incremental and transformational - are needed

ConnectSF: Overall Process



Opportunities for Engagement

1. Explore and provide feedback on interactive maps available at: www.connectSF.org/about/transportation-needs
2. In-person outreach in summer/fall 2019
3. Request a presentation (email connectsf@sfgov.org)



Opportunities for Engagement

Youth Workshop This Fall

Workshop Purpose: Obtain feedback on priorities, connections we need to make, and ideas for projects

Ask for Youth Commissioners:

- **Participate in the workshop**
- **Offer suggestions on youth groups and networks to invite**

FILE NO.

MOTION NO. 1920-AL-01

1 [Motion Declaring Solidarity with Climate Strikers in San Francisco and Internationally]

2
3 **Motion declaring solidarity with climate strikers demanding action in the face of the**
4 **climate emergency.**

5
6 WHEREAS, The planet is facing a human-engineered climate emergency of
7 unprecedented scale; and

8 WHEREAS, Recent reports indicate that a global reduction in greenhouse gas
9 emissions from human sources of 40 to 60 percent from 2010 levels is necessary by 2030 in
10 order to keep global temperatures below 1.5 degrees Celsius above preindustrialized levels
11 and avoid the most detrimental impacts of the climate emergency, such as wildfires, climate-
12 induced mass migration, widespread lethal heat-stress, and damage to public infrastructure;
13 and

14 WHEREAS, Rising sea levels are already impacting communities within the Bay Area,
15 particularly disadvantaged communities; and

16 WHEREAS, Since August 2018, youth worldwide and in San Francisco have led
17 climate strikes and protests to demand action to address the root causes of the climate
18 emergency; and

19 WHEREAS, September 20, 2019 marked a worldwide general strike to demand action
20 on transformative and bold solutions to the climate emergency; now, therefore, be it

21 MOVED, That the Youth Commission declares solidarity with climate strikers
22 demanding action in the face of the climate emergency; and be it

23 MOVED, That the Youth Commission directs Youth Commission staff to take steps to
24 inform the Climate Strike movement of the Youth Commission's solidarity and support.

FILE NO.

RESOLUTION NO. 1920-AL-02

1 [Omnibus Youth Commission Preliminary Budget Priorities - Priority Programs]
2 **Resolution urging the allocation of funding for various youth-related programs in the**
3 **Mayor’s Proposed Budget of the City and County of San Francisco for FY 2020-2021**
4 **and FY 2021-2022, and urging certain Departments to request funding for such**
5 **programs in the submission of their department budgets.**
6

7 WHEREAS, The City and County of San Francisco operates on a two-year budget
8 cycle, with the elaboration of department budgets beginning every year in December with the
9 issuance of budget directions to departments by the Mayor’s Office and the Controller’s
10 Office, and the final budget being signed in August; and

11 WHEREAS, The Youth Commission is charged by the Charter to present a report on its
12 Budget and Policy Priorities (“BPPs”) for youth to the Board of Supervisors (“BOS”) every year
13 for consideration during the budget process, usually at a date in the months of April or May;
14 and

15 WHEREAS, The Youth Commission’s BPPs consist of recommendations for
16 consideration by the BOS during the budget process, detailing the policy merits of a wide
17 range of programs and policies and making sophisticated recommendations for action by the
18 BOS, both budget-related and policy-oriented; and

19 WHEREAS, However, Youth Commissioners cannot advocate in their official capacity
20 for youth-related programs and funding until they have formally endorsed them; and

21 WHEREAS, Currently, the budget has already gone through many iterations by the
22 time the Youth Commission presents its BPPs to the BOS, leaving little room for significant
23 changes based on recommendations made in the BPPs; and

24
25

1 WHEREAS, The needs of youth and their communities are therefore easily left out of
2 the elaboration of department budgets and further review before they come before the BOS;
3 and

4 WHEREAS, In order to represent the interests of youth throughout the entire budget
5 process, this Resolution enumerates the youth-related programs that the Youth Commission
6 wishes to see funded in FY 2020-2021 and FY 2021-2022; and

7 WHEREAS, This Resolution enables the Youth Commission to advocate early on in the
8 budget process for certain specific programs that fulfill the needs and requests of the Youth
9 Commission’s constituency; and

10 WHEREAS, Furthermore, this Resolution allows for youth advocacy organizations to
11 influence the budget process through the Youth Commission in a meaningful way from the
12 very beginning of the budget process; and

13 WHEREAS, This Resolution has been considered by the three policy committees of the
14 Youth Commission which, in conjunction with the Youth Commission’s Executive Committee,
15 have heard from community members and organizations, as well as City departments, and
16 have ensuingly formulated recommendations for various youth-related programs that they
17 wish to see funded in the upcoming budget season; and

18 WHEREAS, On _____, 2019, the Civic Engagement Committee of the Youth
19 Commission voted to recommend amendments to this Resolution enumerating support for
20 various youth-related programs and funding in the areas of _____; and

21 WHEREAS, On _____, 2019, the Transformative Justice Committee of the
22 Youth Commission voted to recommend amendments to this Resolution enumerating support
23 for various youth-related programs and funding in the areas of _____; and

24
25

1 WHEREAS, On _____, 2019, the Housing Committee of the Youth Commission
2 voted to recommend amendments to this Resolution enumerating support for various youth-
3 related programs and funding in the areas of _____; now, therefore, be it

4 RESOLVED, That resolved clauses shall be amended into this Resolution at this point
5 following consideration by Committees, this clause being amended out; and, be it

6 FURTHER RESOLVED, That the Youth Commission will advocate for the programs
7 enumerated in this action clauses, this clause being amended out; and, be it

8 FINALLY RESOLVED, That the Youth Commission urges certain Departments to
9 request funding for the programs enumerated above in the submission of their department
10 budgets.

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