

**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.
Sec. 1010.1.	Prohibition Against Tobacco Product Sales on Property Owned by or Under the Control of the City.
Sec. 1010.2.	Exceptions.
Sec. 1010.3.	Penalties and Enforcement.
Sec. 1010.4.	Preemption.

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.

(Added by Ord. 254-08, File No. 081193, App. 11/7/2008)

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

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

(Added by Ord. 254-08, File No. 081193, App. 11/7/2008)

SEC. 1010.2. EXCEPTIONS.

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

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

(Added by Ord. 254-08, File No. 081193, App. 11/7/2008)

SEC. 1010.3. PENALTIES AND ENFORCEMENT.

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

(Added by Ord. 254-08, File No. 081193, App. 11/7/2008)

SEC. 1010.4. PREEMPTION.

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

(Added by Ord. 254-08, File No. 081193, App. 11/7/2008)