

HEALTH COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 15-91

REQUESTING OPPOSITION TO THE ENACTMENT OF SENATE BILL 376,
STATE LEGISLATION REGARDING TOBACCO CONTROL WHICH WOULD PREEMPT
LOCAL ORDINANCES OR REGULATIONS THAT ATTEMPT TO REGULATE THE SALE,
DISTRIBUTION, ADVERTISING, OR PROMOTION OF TOBACCO PRODUCTS,
SMOKING IN PUBLIC PLACES, OR SMOKING IN WORKPLACES EXCEPTING
LOCAL ORDINANCES IN EFFECT ON JULY 1, 1991

WHEREAS, State Senator Hill and Assembly Member Felando have introduced Senate Bill 376 regarding tobacco control which would preempt local ordinances or regulations that attempt to regulate the sale, distribution, advertising, or promotion of tobacco products, smoking in public places, or smoking in workplaces excepting local ordinances in effect on July 1, 1991; and

WHEREAS, SB 376 would prohibit stronger local ordinances from being enacted which impede the sale, distribution, advertising, or promotion of tobacco products, smoking in public places, or smoking in workplaces; and

WHEREAS, SB 376 would reduce the severe penalties of \$2,500 - \$6,000 and liability for those violating the state provisions of law regulating the sale, distribution and promotion of tobacco products to minor fines of \$100 - \$1,000; and

WHEREAS, there has been a growing interest among cities and counties to seek passage of ordinances which will restrict the sale, distribution, advertising or promotion of tobacco products, smoking in public places, or smoking in workplaces; and

WHEREAS, many communities have such more restrictive ordinances in the planning stage or pending approval by their local city council or board of supervisors; and

WHEREAS, San Francisco City and County Board of Supervisors unanimously voted in June 10, 1991 to enact an ordinance restricting cigarette vending machines which is much more stringent than the proposed state legislation; and

WHEREAS, the City and County of San Francisco would be prohibited from enacting local ordinances currently in the planning stage which would further restrict the sale, distribution, advertising or promotion of tobacco products, smoking in public places, or smoking workplaces; and

WHEREAS, smoking is the major preventable cause of death. It is responsible for 1 out of every 6 deaths; and

WHEREAS, each day, more than 3,000 children start smoking; and

WHEREAS, a 1990 Inspector General's Report study of youth access to cigarettes found that youth access laws are not being enforced and that those areas that have active enforcement rely on local leadership; and

WHEREAS, on April 19, 1991 the Environmental Protection Agency's Scientific Advisory Board recommended that environmental tobacco smoke be classified as a "Class A" carcinogen - the most dangerous category of cancer-causing agents, which includes radon, asbestos and benzene; and

WHEREAS, research from the University of California, appearing in the American Health Association Journal Circulation estimated that environmental tobacco smoke is responsible for 53,000 deaths each year in the United States alone; and

WHEREAS, passive smoke has been linked to an increased incidence of bronchitis, pneumonia, wheezing and middle ear disease in children; and

WHEREAS, tobacco industry advertising and marketing strategies aggressively target children, now, be it

RESOLVED, that the Health Commission opposes the enactment of Senate Bill 376 and urges the Board of Supervisors of the City and County of San Francisco to also oppose SB 376; and, be it

FURTHER RESOLVED, that the Clerk of the Board of Supervisors provide a copy of this Resolution to Hellan Dowden, Legislative Advocate for the City and County of San Francisco, to convey to the San Francisco Delegation, to the authors of SB 376 (Senator Hill, Assembly Member Felando), the Governor Pete Wilson, Senate President Pro Tempore David Roberti, Assembly Speaker Willie J. Brown, Jr., and the Director of the State Department of Health Services.

I hereby certify that the foregoing Resolution was adopted by the Health Commission at its meeting of Tuesday, July 16, 1991.



Sandy Ouye Mori
Secretary to the Health Commission