

# **ARTICLE 19J: PROHIBITING PHARMACIES FROM SELLING TOBACCO PRODUCTS**

Sec. 1009.91.	Definitions.
Sec. 1009.92.	Prohibition Against Tobacco Product Sales at Pharmacies.
Sec. 1009.93.	Penalties and Enforcement.
Sec. 1009.94.	Expiration of Permit to Sell Tobacco.
Sec. 1009.95.	Authority to Adopt Rules and Regulations.
Sec. 1009.96.	Preemption.
Sec. 1009.97.	City Undertaking Limited to Promotion of General Welfare.
Sec. 1009.98.	Severability.

## **SEC. 1009.91. DEFINITIONS.**

(a) "Director" shall mean the Director of the Department of Public Health or his or her designee.

(b) "Person" shall mean any individual person, firm, partnership, association, corporation, company, organization, or legal entity of any kind.

(c) "Pharmacy" shall mean a retail establishment in which the profession of pharmacy by a pharmacist licensed by the State of California in accordance with the Business and Professions Code is practiced and where prescriptions are offered for sale. A pharmacy may also offer other retail goods in addition to prescription pharmaceuticals.

(d) "Tobacco Product" shall mean any substance containing tobacco leaf including but not limited to cigarettes, cigars, pipe, tobacco, snuff chewing tobacco, and dipping tobacco.

(Added by Ord. 194-08, File No. 080594, App. 8/7/2008; Ord. 245-10, File No. 101056, App. 10/6/2010)

## **SEC. 1009.92. PROHIBITION AGAINST TOBACCO PRODUCT SALES AT PHARMACIES.**

No person shall sell tobacco products in a pharmacy.

(Added by Ord. 194-08, File No. 080594, App. 8/7/2008; Ord. 245-10, File No. 101056, App. 10/6/2010)

## **SEC. 1009.93 PENALTIES AND ENFORCEMENT.**

Administrative penalties shall be assessed and collected by the Director in accordance with San Francisco Administrative Code Chapter 100, a copy of which is on file in Board of Supervisors File No. 080594 and which is hereby incorporated by reference.

(Added by Ord. 194-08, File No. 080594, App. 8/7/2008; Ord. 245-10, File No. 101056, App. 10/6/2010)

## **SEC. 1009.94. EXPIRATION OF PERMIT TO SELL TOBACCO.**

Any permit to sell tobacco issued to a pharmacy pursuant to Article 19H shall expire on September 30, 2008, and shall not be renewed if sales of tobacco by that pharmacy are prohibited under this Article.

(Added by Ord. 194-08, File No. 080594, App. 8/7/2008; Ord. 245-10, File No. 101056, App. 10/6/2010)

## **SEC. 1009.95. AUTHORITY TO ADOPT RULES AND REGULATIONS.**

The Director may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this Article.

(Added by Ord. 194-08, File No. 080594, App. 8/7/2008; Ord. 245-10, File No. 101056, App. 10/6/2010)

## **SEC. 1009.96. 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. 194-08, File No. 080594, App. 8/7/2008; Ord. 245-10, File No. 101056, App. 10/6/2010)

## **SEC. 1009.97. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.**

In undertaking the adoption and enforcement of this Article, the City and County is assuming an undertaking only to promote the general welfare. The City does not intend to impose the type of obligation that would allow a person to sue for money damages for an injury that the person claims to suffer as a result of a City officer or employee taking or failing to take an action with respect to any matter covered by this Article.

(Added by Ord. 194-08, File No. 080594, App. 8/7/2008; Ord. 245-10, File No. 101056, App. 10/6/2010)

## **SEC. 1009.98. SEVERABILITY.**

If any of the provisions of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid, shall not