

Resolution supporting California State Senate Bill No. 793 (SB 793), authored by Senator Jerry Hill and co-authored by Senators Glazer, McGuire, Pan, Skinner, and Wiener, to restrict sales of flavored e-cigarettes and all other flavored tobacco products to combat use by youths.

Sponsors: Lovett, Ibanez, Avalos, Li, Williams, Loftus
Co-sponsors: Mahogany, Li, Ting, Chiu, Cohen, Pelosi, Tung, LaCroix

WHEREAS, The Stop Tobacco Access to Kids Enforcement Act (STAKE) prohibits a person from selling or otherwise furnishing tobacco products, as defined, to a person under 21 years of age and despite the progress reducing smoking, tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year through many forms of cancer, heart disease and respiratory diseases, while FDA advisories point to a greater risk from smoking and vaping of contracting coronavirus and poorer outcomes due to adverse impacts on lung function from tobacco and the inflammatory risks of additives and flavorings from vaping products in particular; moreover, studies have shown that nicotine exposure during adolescence can harm the developing brain impacting learning, memory, attention and increasing addiction to other drugs; and

WHEREAS, Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products as tobacco companies well know, while menthol cigarettes soothe irritation thus appealing to youth who are initiating tobacco use and increasing their likelihood to consume menthol-, candy- and fruit-flavored tobacco products, including not just cigarettes but also e-cigarettes, cigars, cigarillos, and hookah tobacco, and the tobacco industry has a well-documented history of developing and marketing flavored tobacco brands to racial and ethnic minorities and youth; and

WHEREAS, To address the appeal of flavored tobacco products to youth, San Francisco enacted Ordinance No. 140-17, prohibiting tobacco retail establishments from selling flavored tobacco products and as a result of the referendum process, the ordinance was placed before the voters, who approved the ordinance in June 2018 (Proposition E) by a majority of 68.39% and in 2019, San Francisco enacted Ordinance No. 122-19 amending the Health Code to prohibit the sale by tobacco retail establishments of electronic cigarettes that do not have approval from the Food and Drug Administration (FDA); in reaction, using the referendum process, the tobacco industry tried to overturn the ordinance through the November 2019 election (Proposition C) where voters overwhelmingly voted against the tobacco industry's agenda by a majority of 81.81%, upholding the ordinance; therefore

BE IT RESOLVED, that the San Francisco Democratic County Central Committee supports Senate Bill No. 793 to expand these efforts to prohibit the sale of flavored tobacco products statewide; and, be it

FURTHER RESOLVED, that the San Francisco Democratic County Central Committee urges the California State Legislature to pass SB 793 and Governor Gavin Newsom to sign this law into effect.

PROPOUNDED BY: Li Miao Lovett

ADOPTED: (Date 07/22/2020) By the San Francisco Democratic County Central Committee

Move to approve by acclamation by Member Loftus; seconded by Member Li;
Approved by acclamation
Member Ma and Baraka abstain.

RESOLUTION IN SUPPORT OF THE CAREN ACT AND CRIMINALIZING RACIALLY-DISCRIMINATORY 911 CALLS

Sponsors: Berry, Co-sponsors: Campos, Baraka, Gallotta, Morales, Mahogany, Li, Loftus, LaCroix

WHEREAS in San Francisco and across the country, video footage has brought awareness to the fact that people are making racially-biased 911 calls in the absence of an emergency. These prejudiced calls have proven very dangerous, particularly for Black people, as extreme (but by no means rare) cases can end in death. Calls made on Black people for swimming, driving, napping, dancing, barbecuing, selling water, working, jogging, being at home, etc. must be deemed cruel and have significant consequences. The infamous case in recent history is that of Emmett Till, who was lynched in 1955 because a white woman claimed that Till, a fourteen-year-old Black boy, whistled at her. In 2017, the accuser, Carolyn Bryant, disclosed she had fabricated additional testimony that Till had grabbed and verbally threatened her. In May of this year, a white woman in Ohio called the police on a Black Pastor who was closing his church, reporting he was breaking in and had threatened her with a gun. The Pastor has been unsuccessful at bringing charges against the woman who still stands by her story. In June of this year in San Francisco, a white woman called the police on a Filipino man because he was stenciling "Black Lives Matter" in chalk on his own property.

WHEREAS on Tuesday, July 9, 2020, San Francisco District 10 Supervisor Shamann Walton introduced the CAREN Act (Caution Against Racially Exploitative Non-Emergencies), an ordinance that will amend the Police Code to make it unlawful for an individual to summon law enforcement because they perceive an individual to be a threat solely based on their race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity. The CAREN Act will also allow a civil cause of action for the individual or persons harmed by the fraudulent 911.

WHEREAS California Assemblyman Rob Bonta is introducing a statewide bill with similar goals, AB 1550, which will classify racially-motivated, fabricated 911 calls as hate crimes and provide victims a legal remedy in civil court.

BE IT RESOLVED that the San Francisco Democratic County Central Committee supports Supervisor Walton's ordinance and encourages the San Francisco Board of Supervisors and Mayor to ensure that it passes. Furthermore, the San Francisco Democratic County Central Committee urges the California Democratic Party and the Democratic National Committee to support similar measures of the same magnitude at the state and federal level.

AND BE IT FURTHER RESOLVED that copies of this resolution shall be sent to the San Francisco Board of Supervisors, Mayor London Breed, the California Democratic Party, and the Democratic National Committee.

PROPOUNDED BY: Gloria Berry

Adopted: (Date 07/22/2020) By the San Francisco Democratic County Central Committee

**Move to approve by acclamation by Member Loftus; seconded by Member Li;
Approved by acclamation
Member Feinstein and Member Kounalakis abstain.**

ADDENDUM

<https://drive.google.com/file/d/1RJdi6TZuQV7pvGg9UD0LuT7F0wAokuqT/view?usp=sharing>

[Police Code - Discriminatory Reports to Law Enforcement (CAREN Act)]

Ordinance known as the Caution Against Racially Exploitative Non-Emergencies (CAREN) Act amending the Police Code to make it unlawful to cause a peace officer to contact a person solely to discriminate against the person on the basis of the person's race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity; creating a civil cause of action and providing for damages for violating the prohibition.

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

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

Section 1. Findings.

(a) There have been numerous incidents across the country involving individuals contacting law enforcement to report innocuous behaviors as suspicious, or to falsely report alleged criminal behavior, for what appear to be solely discriminatory reasons. Discriminatory law enforcement reports against people of color for racially motivated reasons are common enough that many people of color have experienced one or more incident of being contacted by law enforcement when engaging in normal day-to-day activities. These incidents cause serious harm to the person falsely accused of a crime, cause anxiety and distrust among people of color, and put an unnecessary strain on law enforcement officers responding to frivolous and false calls.

(b) The misuse of law enforcement by members of the public to discriminate against others should not be tolerated and the City should take action to stop such behavior in every way possible. Creating a means for people who suffer this kind of discrimination to seek redress from those who have targeted them through a civil cause of action for damages will discourage this type of behavior and provide a tangible way for these victims to be compensated for this wrong.

Section 2. The Police Code is hereby amended by adding Section 637, to read as follows:

SEC. 637. DISCRIMINATORY REPORTS TO LAW ENFORCEMENT.

(a) Discriminatory Reports to Law Enforcement Prohibited. It shall be unlawful to knowingly cause a peace officer to arrive at a location to contact a person with the specific intent to discriminate against that person on the basis of the person's actual or perceived race, ethnicity, religious affiliation, gender, sexual orientation, or gender identity.

(b) Civil Cause of Action. Any aggrieved person may enforce the provisions of this Section 637 by means of a civil action.

(c) A person found to have violated subsection (a) in a cause of action under subsection (b) shall be liable to the aggrieved person for special and general damages, but in no case less than \$1,000 plus attorneys' fees and the costs of the action. In addition, punitive damages may be awarded in a proper case.

(d) Nothing in this Section 637 shall preclude any person from seeking any other remedies, penalties, or procedures provided by law.

Section 3. Undertaking for the General Welfare. In enacting and implementing this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 4. No Conflict with Federal or State Law. Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

**By:
BRADLEY A. RUSSI
Deputy City Attorney**