



**STATE LEGISLATION
COMMITTEE**
Wednesday, February 28, 2024
10:00am – 12:00pm
City Hall, Room 201

This meeting will be held in person at the location listed above. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above. Members of the public may view the meeting by clicking the link below or calling the below number provided:

<https://sfpublic.webex.com/sfpublic/j.php?MTID=me213b35c2f2dc6932d3301a9bb354a4e>

Meeting ID: 2660 848 7313 **Meeting Password:** wsE6Ebfhb49
Join by Phone at +1-415-655-0001 (Please dial # after entering the Meeting ID to view the meeting)

(Public Comment Instructions available on page 5)

Members

Mayor's Office (Chair) – Eileen Mariano
Supervisor Dean Preston -- Preston Kilgore
Supervisor Connie Chan -- Frances Hsieh
Assessor's Office -- Holly Lung
City Attorney's Office -- Rebekah Krell
Controller's Office -- Hannah Kohanzadeh
Treasurer's Office -- Eric Manke

AGENDA

I. ROLL CALL

II. APPROVAL OF MEETING MINUTES (Action Item). Discussion and possible action to approve the minutes from the meeting on January 24, 2024.

III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item).
The City's state lobbyist will present to the Committee an update on State legislative matters.

IV. PROPOSED LEGISLATION (Discussion and Action). Discussion and possible action item: the Committee will review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

New Business

Department of Public Health

Presenter: Max Gara

AB 2115 (Haney): Controlled substances: clinics.

Recommended Position: Sponsor

The Federal Drug Enforcement Administration allows that 72 hours of methadone treatment can be dispensed to patients at a health clinic during referral to an Opioid Treatment Program (a.k.a. Methadone Clinic). Currently, California law states that methadone cannot be dispensed at clinics. AB 2115 would increase access to methadone by aligning state law with federal rules and allow clinics to dispense 72 hours of methadone treatment during this referral period.

Department of Environment

Presenter: Kyle Wehner

SB 1053 (Blakespear and Allen) and AB 2236 (Bauer-Kahan): Solid waste: reusable grocery bags: standards: plastic film prohibition.

Recommended Position: Support

Together, SB 1053 and AB 2236 will prohibit all plastic shopping bags in California grocery stores and require recycled paper bags to be made from 100 percent postconsumer recycled materials, without exception, beginning January 1, 2026.

Office of Economic and Workforce Development

Presenter: Ben Van Houten

AB 2359 (Ting and Haney): Alcoholic beverage control: neighborhood-restricted special on-sale general licenses.

Recommended Position: Sponsor

In 2016, the California Legislature created the "Type 87" liquor license, a new type of affordable, nontransferable full liquor license for restaurants in San Francisco's outer neighborhood commercial corridors. Since its inception, the Type 87 license program has been a critical tool to support economic development in these neighborhoods, but restaurants in the Bayview and Excelsior are no longer able to apply, as both neighborhoods have reach caps set under state law.

Assembly Member Ting has introduced AB 2359 to improve the Type 87 program by expanding access to these licenses in the Excelsior and Bayview neighborhoods and making technical reforms to the application process.

V. GENERAL PUBLIC COMMENT

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

VI. ADJOURNMENT

Disability Access

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The State Legislation Committee does not permit remote public comment by members of the public its meetings, except as legally required to enable people with disabilities to participate in such meetings. If you require remote access as a means of reasonable accommodation under ADA, please contact the State Legislation Committee to request remote access, including a description of the functional limitation(s) that precludes your ability to attend in person. Requests made at least two business days in advance of the meeting will help to ensure availability. For further assistance, please contact Joshua Cardenas, Mayor's Office, at: joshua.cardenas@sfgov.org.

Know Your Rights Under the Sunshine Ordinance

The 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 information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Donna Hall at Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, by phone at 415-554-7724, by fax at 415-554-7854, or email the Sunshine Ordinance Taskforce Administrator at sotf@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting the Task Force, or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at www.sfgov.org/sunshine.htm.

Lobbyist Registration and Reporting Requirements

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Cell Phones and Pagers

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the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Public Comment

Public Comment will be taken in-person on each item on the agenda before or during consideration of that item.

To view the meeting via computer systems:

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Webinar ID: 2660 848 7313

NOTE: Once you join the meeting via the number above, enter the webinar ID and press # to enter the meeting.

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Health Considerations

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**STATE LEGISLATION
COMMITTEE**
Wednesday, January 24, 2024
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Meeting ID: 2498 242 6330 **Meeting Password:** QsKegBra335
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(Public Comment Instructions available on page 5)

Members

Mayor's Office (Chair) – Eileen Mariano
Supervisor Dean Preston -- Preston Kilgore
Supervisor Connie Chan -- Kelly Groth
Assessor's Office -- Holly Lung
City Attorney's Office -- Rebekah Krell
Controller's Office -- Calvin Quock
Treasurer's Office -- Eric Manke

AGENDA

Meeting commenced at 10:05am.

I. ROLL CALL

Present: Eileen Mariano, Holly Lung, Rebekah Krell, Calvin Quock, Eric Manke, and Robyn Burke, who represented Supervisor Chan's office and arrived after the third agenda item.

Absent: Preston Kilgore.

II. APPROVAL OF MEETING MINUTES (Action Item). Discussion and possible action to approve the minutes from the meeting on October 25, 2023.

Public Comment: David Pilpel spoke against committee members abstaining

from voting.

Motion to Approve: Eric Manke

Seconded by: Rebekah Krell

Approved: 5-0

III. RETURNING TO IN-PERSON PUBLIC COMMENT ONLY (Discussion and Action). Discussion and possible action item: the Committee will consider amending current public comment practices to return to in-person public comment only. If passed, this item would go into effect at the next meeting.

Public Comment: David Pilpel spoke in opposition to returning to in-person public comment only.

Motion to Support Returning to In-Person Public Comment Only: Eric Manke

Seconded by: Rebekah Krell

Approved: 5-0

IV. PROPOSED LEGISLATION (Discussion and Action). Discussion and possible action item: the Committee will review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

New Business

Office of Economic Workforce & Development

Presenter: Ben Van Houten

SB X (Wiener): Improving Entertainment Zones to Support Economic Recovery

Recommended Position: Sponsor

In 2023, Governor Newsom signed Senate Bill 76, which empowers San Francisco to establish outdoor “entertainment zones” where bars and restaurants may sell takeout alcoholic beverages to patrons for consumption at street fairs, outdoor festivals, and other events. Prior to the legislation’s approval, amendments adopted without discussion in the Assembly Appropriations Committee narrow the effectiveness of entertainment zones and limit the bill to only San Francisco.

Senator Wiener is currently exploring new legislation to improve the entertainment zone language for San Francisco and expand the program statewide. The proposed changes would significantly improve the City’s ability to deploy entertainment zones as a tool for economic recovery.

Public Comment: David Pilpel spoke in support of this piece of legislation.

Motion to Support This Legislation: Rebekah Krell

Seconded by: Holly Lung

Approved: 6-0

Mayor’s Office of Housing and Community Development

Presenter: Kyra Geithman

AB 578 (Berman): Multifamily Housing Program: No Place Like Home Program
Recommended Position: Support

AB 578 would update the monitoring fee that the California Department of Housing and Community Development (HCD) charges affordable housing developers, which could unlock over \$20 million dollars in private financing for desperately needed affordable housing, based on awards since 2018. The State Legislation Committee voted to support AB 578 in the 2023 legislative cycle.

Public Comment: No public comment.
Motion to Support AB 578: Eric Manke
Seconded by: Rebekah Krell
Approved: 5-0, Robyn Burke abstained

Mayor's Office of Housing and Community Development

Presenter: Kyra Geithman

AB 1053 (Gabriel): Housing Programs: Multifamily Housing Programs:
Expenditure of Loan Proceeds

Recommended Position: Support

AB 1053 would allow for loans from the State Department of Housing and Community Development (HCD) to be issued during construction instead of waiting until permanent conversion for funds to come in. This will save on construction loan interest and origination fees for affordable housing projects in San Francisco. The State Legislation Committee voted to support this bill during the first year of the 2023-2024 legislative cycle.

Public Comment: No public comment.
Motion to Support AB 1053: Holly Lung
Seconded by: Rebekah Krell
Approved: 6-0

V. GENERAL PUBLIC COMMENT

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

Public Comment: David Pilpel spoke against committee members abstaining from voting and provided suggestions for the Committee to consider relating to logistical and administrative matters.

VI. ADJOURNMENT

Meeting ended at 10:30 am.

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- To make public comment on a specific agenda item, dial in using the information above when the item is called.
- When you would like to make public comment via an electronic communication device, dial *3 to be added to the public comment queue for this item and then dial *6 after you have been asked to unmute yourself.
- When you would like to make public comment via laptop and computer systems, click on "Raise Hand" and then you will be asked to unmute yourself.
- When it is your time to speak, you will hear "Your line has been unmuted."
- Ensure you are in a quiet location.
- Before you speak, mute the sound of any equipment around you including televisions, radios, and computers. It is especially important that **you mute your computer** so there is no echo sound when you speak.
- When the Commission Secretary states, "Next Caller," you are encouraged to state your name clearly. As soon as you speak, your 2 minute allotment will begin.
- After you speak, you will go back to listening mode. You may stay on the line to provide public comment on another item.

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Date Submitted	2/15/24
Submitting Department	Department of Public Health
Contact Name	Max Gara; 415-554-2621
Contact Email and Phone Number	Maxwell.gara@sfdph.org Sneha Patil; 415-554-2795 Sneha.patil@sfdph.org
SLC Meeting Presenter	Max Gara
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

AB 2115

Assemblymember Haney, Assembly District #17, D-San Francisco

Controlled substances: clinics

Recommended Position

SPONSOR **SUPPORT** **SUPPORT if amended**
 OPPOSE **OTHER & Describe**

Summary

The Federal Drug Enforcement Administration allows that 72 hours of methadone treatment can be dispensed to patients at a health clinic during referral to an Opioid Treatment Program (a.k.a. Methadone Clinic). Currently, California law states that methadone cannot be dispensed at clinics. AB 2115 would increase access to methadone by aligning state law with federal rules and allow clinics to dispense 72 hours of methadone treatment during this referral period.

Background/Analysis

The overdose crisis is one of the most significant public health issues facing San Francisco. In 2023, 806 people died from drug overdose in the City.¹ Significant inequities exist – Black/African Americans

in San Francisco are disproportionately affected, with an opioid overdose death rate that is more than five times higher than the citywide rate.

Expanding access to methadone for vulnerable populations is essential to addressing the overdose crisis in San Francisco. Methadone is a gold standard medical treatment for opioid use disorder (OUD) and is the most well-studied pharmacotherapy for OUD. Methadone reduces all-cause and overdose mortality, increases treatment engagement, and prevents harm related to injection drug use.

Challenge

Patients face multiple barriers to accessing methadone for the treatment of OUD, as it can only be dispensed in a limited number of situations. One is from a registered Narcotic Treatment Program (NTP, aka a methadone clinic), which are highly regulated entities.

¹ Preliminary Accidental Drug Overdose Data Report for January 2023 through December 2023, San Francisco Office of the Chief Medical Examiner

The federal government, through the Drug Enforcement Agency (DEA), recently allowed for greater flexibility in how methadone can be accessed. Under the new flexibility, physicians outside of an NTP can now provide a 72-hour supply of methadone to a patient for the purposes of relieving acute withdrawal symptoms when necessary while arrangements are being made for referral to treatment. Previously patients had to come back daily for administration of the medication.

However, current California law does not fully align with the new flexibilities allowed by the DEA. State law only allows an individual physician, under limited circumstances, to dispense controlled substances (including a 72-hour supply of methadone) directly to patients.² To implement the new DEA regulations in California, clinics would need to maintain a separate and unique supply of methadone for each prescriber in the clinic. In addition, each provider is required to obtain their unique supply of methadone through a burdensome process via pharmacy or wholesale distributor. These requirements are not only arduous and inefficient but may also lead to safety concerns around security and storage of multiple supplies of medication. Altogether, these California rules significantly limit the ability of public health systems to effectively utilize the new DEA exception in the manner it was intended.

Solution/Recommended Proposal

Under AB 2115, California state law would be revised to align with the new flexibilities allowed under the DEA rule, and greatly expand access to methadone treatment. Specifically, the bill would allow clinics to dispense a 72-hour supply of methadone to an individual to relieve acute

withdrawal symptoms while arrangements are being made for referral to treatment.

The bill would primarily support patients being referred from the hospital to a methadone clinic after hours or on the weekends when an enrollment appointment at a clinic might not be available. Under the bill, a person could immediately start methadone treatment following their hospital stay by receiving a three-day supply of methadone medication at a clinic for the purposes of relieving acute withdrawal symptoms while arrangements are being made for referral for treatment at a methadone clinic. Currently, patients ready to start methadone treatment either stay in the hospital while they are linked to a methadone clinic or are discharged prior to their methadone clinic appointment without having started methadone treatment. Patients who have not started treatment are at increased risk of not following through with their treatment plans at the methadone clinic.

Overall, the changes under the bill would lower the barrier to patients receiving opioid withdrawal management services, improve linkage to longer term treatment at methadone clinics, and reduce ongoing opioid use and overdose risk.

Departments Impacted & Why

No other departments will be impacted by this bill.

Fiscal Impact

This bill has not been evaluated for fiscal impact, but impact to state budget is expected to be minimal.

Support / Opposition

No official positions have been taken on this bill.



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Date Submitted	2/13/24
Submitting Department	OEWD
Contact Name	Ben Van Houten
Contact Email and Phone Number	ben.vanhouten@sfgov.org / 415-554-7038
SLC Meeting Presenter	Ben Van Houten
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

AB 2359

Assemblymembers Ting and Haney, Assembly Districts #19 and #17, Democrats

Supporting Neighborhood Restaurants through Type 87 Liquor Licenses

Recommended Position

SPONSOR SUPPORT SUPPORT if amended OPPOSE OTHER & Describe

Summary

In 2016, the California Legislature created the "Type 87" liquor license, a new type of affordable, nontransferable full liquor license for restaurants in San Francisco's outer neighborhood commercial corridors. Since its inception, the Type 87 license program has been a critical tool to support economic development in these neighborhoods, but restaurants in the Bayview and Excelsior are no longer able to apply, as both neighborhoods have reach caps set under state law.

Assembly Member Ting has introduced AB 2359 to improve the Type 87 program by expanding access to these licenses in the Excelsior and Bayview neighborhoods and making technical reforms to the application process.

Background/Analysis

California law sets population-based limits on the number of full liquor licenses (allowing the sale of beer, wine, and spirits) available in each county. At the time this law was adopted, San Francisco held roughly twice as many full liquor licenses as would be allowed under this formula. As a result, any new restaurant seeking a full liquor license must acquire one from another San Francisco business on the secondary market, where prices can exceed \$200,000.

With 2016's SB 1285 (Leno), the California Legislature created the "Type 87" liquor license, a new type of affordable, nontransferable full liquor license only for restaurants in San Francisco's outer neighborhood commercial corridors, where few businesses have full licenses and neighborhood entrepreneurs are typically unable to afford licenses on the private market. While SB 1285 authorized five of these licenses, 2017's AB 471 (Ting) expanded the total number of licenses to 30 (with five available each year). These licenses are available in seven commercial corridors, with per-neighborhood limits mandated under state law.

Challenge

Since its inception, the Type 87 program has been a valuable tool to support economic development in San Francisco neighborhoods. To date, 24 of the 30 total available licenses have been claimed by San Francisco restaurants.

Because each neighborhood may only receive a certain number of licenses under the law, several corridors, including the Bayview and Excelsior neighborhoods, have reached the maximum number of licenses available through the program. Entrepreneurs in these neighborhoods are no longer able to apply to receive Type 87 licenses. Advocates and small businesses in the Bayview and Excelsior have requested increases in the number of available licenses to further support restaurant attraction and retention efforts and boost neighborhood vitality.

Several technical elements of the Type 87 law have also created challenges for applicants and licensees. Unlike other restaurants statewide, Type 87 licensees are statutorily prohibited from seeking ABC permission to sell to-go alcoholic beverages, even though to-go alcohol sales can play an important role in a restaurant's takeout and delivery offerings. Secondly, Type 87 applicants must undertake a unique community outreach process that is duplicative of other notification requirements that apply to all new liquor license applicants. Finally, the census tracts referenced in the Type 87 law to identify eligible areas do not reflect changes in numbering and boundaries from the 2020 Census.

Solution/Recommended Proposal

To support further economic growth in these neighborhoods, AB 2359 would increase the total number of licenses available through this program by ten licenses, with the per-neighborhood allocations for the Excelsior and Bayview each increased by five additional licenses. This legislation would also make technical fixes to the Type 87 program, including allowing licensees to seek the ability to offer to-go alcohol sales (which ABC would review on a case-by-case basis), removing the existing duplicative notification requirement, and updating the census tract numbers referenced in the law.

Departments Impacted & Why

These reforms would aid OEWD's work to support community economic development and support the recovery of the City's nightlife sector. As with all other liquor license applications, these applications would be evaluated by SFPD and the Planning Department prior to any license's issuance.

Fiscal Impact

No fiscal impact locally and ABC staff time is paid for through application fees and annual license fees.

Support / Opposition

Supervisors Safai and Walton have both expressed support for this legislation. While this concept has not received any formal endorsements yet, we anticipate support from local restaurant and bar trade associations, as well as neighborhood economic development groups and individual business owners in the Excelsior and Bayview neighborhoods.

We are not aware of any opposition at present.



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Date Submitted	February 16, 2024
Submitting Department	Environment
Contact Name	Hilary Near
Contact Email and Phone Number	Hilary.Near@sfgov.org ; (415) 355-3772
SLC Meeting Presenter	Kyle Wehner
Reviewed and approved by Department Head?	X YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES X NO <input type="checkbox"/> N/A

SB 1053 and AB 2236

Senators Blakespear and Allen, Senate Districts #38 and #24, Democrats

Assemblymember Bauer-Kahan, Assembly District #16, D-Orinda

Solid waste: reusable grocery bags: standards: plastic film prohibition

Recommended Position

SPONSOR SUPPORT SUPPORT if amended OPPOSE OTHER & Describe

Summary

Together, SB 1053 and AB 2236 will prohibit all plastic shopping bags in California grocery stores and require recycled paper bags to be made from 100 percent postconsumer recycled materials, without exception, beginning January 1, 2026.

Background/Analysis

San Francisco passed one of the first plastic bag bans in the nation in 2007. With SB 270, the California Legislature passed a statewide ban on plastic bags in 2014, which was affirmed in a 2016 referendum. Despite our state’s current ban on thin plastic shopping bags at grocery stores and other commercial establishments, shoppers continue to purchase bags made from thicker, denser plastic that manufacturers claim makes them reusable and recyclable. In practice, these bags are rarely reused and are frequently landfilled or discarded as trash.

Challenge

California’s current statewide bag law contains a near-fatal loophole that allows distribution of “reusable” thick plastic bags, which are rarely reused or recycled in practice. As a result, numerous San Francisco grocers have transitioned from single-use plastic or even paper bags to thick plastic bags, which continue to pollute San Francisco’s streets and damage the environment.

Solution/Recommended Proposal

Together, SB 1053 and AB 2236 would close this glaring loophole by prohibiting the sale of plastic bags at grocery stores regardless of thickness or density. If adopted, San Francisco and communities around California will see fewer bags littering streets and sidewalks and contaminating recycling and composting streams.

Departments Impacted & Why

The San Francisco Environment Department communicates and enforces the City’s Checkout and Pre-checkout Bag Ordinance. The changes proposed under SB 1053 and AB 2236 will help

improve the cleanliness of San Francisco's streets and sidewalks and reduce threats to wildlife. The Environment Department is prepared to support outreach and communication related to SB 1053 and AB 2236 should they be signed into law and become effective beginning January 1, 2026.

Fiscal Impact

These bills are not expected to have a fiscal impact on San Francisco. However, the City may see a reduction in costs associated with litter clean-up in hot spots. In addition, the City's refuse service provider and processor, RecologySF, may benefit from reduced costs related to contamination and bag removal.

Support / Opposition

As SB 1053 and AB 2236 were recently introduced, there is no formal support or opposition registered as of February 15. However, a [press release](#) by Senator Blakespear quoted support from Californians Against Waste and the California Grocers Association.