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SB-276 City and County of San Francisco: merchandising sales. (2025-2026)

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Senate Bill No. 276

CHAPTER 406

An act to add and repeal Section 53076.5 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 06, 2025. Filed with Secretary of State October 06, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 276, Wiener. City and County of San Francisco: merchandising sales.

Under existing law, knowingly buying or receiving stolen property or property that has been obtained in any manner constituting theft or extortion, as specified, is punishable as either a misdemeanor or a felony if the value of the property exceeds \$950.

Existing law prohibits a local authority from regulating sidewalk vendors, except in accordance with certain provisions, including that a local authority may, by ordinance or resolution, adopt requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns.

This bill, until January 1, 2031, would authorize the City and County of San Francisco to adopt an ordinance requiring a permit for the sale of specified merchandise on public property, if the ordinance includes specified written findings supported by substantial evidence, including, among other things, that there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within the City and County of San Francisco. The bill would require an ordinance adopted by the City and County of San Francisco to, among other things, identify a local permitting agency that is responsible for administering a permit system. The bill would authorize the ordinance to provide specified punishments for selling merchandise without a permit, including that 2nd and 3rd violations within 18 months of the first violation would be punishable as infractions, and that subsequent violations after 3 prior violations, that occur within 18 months of the first violation, would be punishable as infractions or misdemeanors by imprisonment in the county jail not to exceed 6 months, or by both that imprisonment and a fine.

This bill would authorize the City and County of San Francisco to charge a fee for the cost of issuing a permit, not to exceed the reasonable regulatory costs of implementing the bill, as provided. The bill would authorize the permitting agency to accept specified forms of identification in lieu of a social security number, if the permitting agency otherwise requires a social security number for the issuance of a permit or business license, but would require the number collected from the alternative identification to be confidential, except as provided. The bill would prohibit the permitting agency from inquiring into or collecting certain information, including, information about an individual's immigration or citizenship status or criminal history.

This bill would require, if an ordinance is adopted, the permitting agency to submit a report to the Board of Supervisors of the City and County of San Francisco and the Legislature by January 1 of each year that includes specified information, including, among other things, the list or lists of merchandise that the City and County of San Francisco determined was a common target of retail theft. The bill would require the City and County of San Francisco, at least 60 days prior to the enactment of an ordinance, to hold one or more workshops to inform the development of the ordinance, and would require the City and County of San Francisco to

administer a public information campaign for at least 30 calendar days prior to the enactment of the ordinance, including public announcements in major media outlets and press releases.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53076.5 is added to the Government Code, to read:

53076.5. (a) Notwithstanding Section 51037, the City and County of San Francisco may adopt an ordinance requiring a permit for the sale, on public property, including public streets or sidewalks, of merchandise that the City and County of San Francisco has determined is a common target of retail theft. If the city and county passes an ordinance pursuant to these provisions, the ordinance shall include all of the following written findings supported by substantial evidence in the record:

(1) That there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within the City and County of San Francisco.

(2) That requiring a permit to sell will further the objective of preventing retail theft.

(3) That there are reasonable permit requirements to enable the lawful sale of merchandise and to safeguard civil rights.

(4) That multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick and mortars if desired.

(b) For purposes of this section, "merchandise" does not include either of the following:

(1) Food items that are prepared for sale onsite.

(2) A prepackaged food item, including a bag of chips or a nonalcoholic beverage, that is sold along with a food item that is prepared for sale onsite.

(c) An ordinance adopted pursuant to this section may remain in effect for up to three years, subject to annual approval of the written findings by resolution of the Board of Supervisors of the City and County of San Francisco, and subject to the filing of an annual report pursuant to subdivision (i).

(d) (1) An ordinance adopted pursuant to this section shall identify a local permitting agency, separate from the San Francisco Police Department, that shall be responsible for administering a permit system.

(2) The permitting agency shall adopt rules and procedures for administering the permit system.

(3) The permitting agency shall issue permits to persons who are able to demonstrate that they obtained the merchandise lawfully and not through theft or extortion.

(e) (1) An ordinance may provide that selling merchandise without a permit is punishable as follows:

(A) For a first violation, the permitting agency shall issue a written warning.

(B) Second and third violations within 18 months of the time of the first violation shall be punishable as infractions.

(C) Subsequent violations after three prior violations, and that occur within 18 months of the time of the first violation, shall be punishable as infractions or misdemeanors by imprisonment in the county jail not to exceed 6 months, or by both that imprisonment and a fine.

(2) A violation of this section resulting in a misdemeanor or infraction shall be eligible for dismissal pursuant to Section 1203.4a or 1203.425 of the Penal Code, as applicable.

(f) (1) At least 60 calendar days prior to the enactment of an ordinance pursuant to this section, the City and County of San Francisco shall hold one or more workshops to inform the development of the ordinance by soliciting feedback from the vendor community. The workshop shall solicit input on the proposed ordinance, including, but not limited to, input regarding the methods by which street vendors currently acquire goods and feasible methods by which street vendors can keep records.

(2) For at least 30 calendar days prior to the enactment of an ordinance pursuant to this section, the City and County of San Francisco shall administer a public information campaign, including public announcements in major media outlets and press releases. Information shall be made available in English, Spanish, Mandarin, Cantonese, Tagalog, and Vietnamese. The public information campaign shall describe the city and county's program, including how vendors may obtain the required permits, how they demonstrate they obtained merchandise lawfully, and where they can ask questions about the process. The City and County of San Francisco shall also provide trainings and workshops, and shall conduct street-level outreach and distribute informational flyers on these topics.

(g) (1) The City and County of San Francisco may charge a fee for the cost of issuing a permit, not to exceed the reasonable regulatory costs of implementing this section.

(2) Notwithstanding paragraph (1), the fee shall not exceed twenty-five dollars (\$25) for applicants that meet either of the following conditions:

(A) The applicant earns less than 200 percent of the area median income.

(B) The applicant is a current enrollee in, or recipient of, CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income, the State Supplementary Payment Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the California Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the Public Utilities Code, or the Family Electric Rate Assistance program established pursuant to Section 739.12 of the Public Utilities Code.

(h) (1) The permitting agency shall accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the permitting agency otherwise requires a social security number for the issuance of a permit or business license, and the number collected shall not be available to the public for inspection, shall be confidential, and shall not be disclosed except as required to administer the permit or licensure program or to comply with a state law or state or federal court order.

(2) The permitting agency shall not inquire into or collect information about an individual's immigration or citizenship status or place of birth.

(3) The permitting agency shall not inquire into or collect information or documentation regarding an individual's criminal history, and shall not require an applicant to submit fingerprints or a LiveScan, or submit to a background check, as part of an application for a permit or valid business license for sidewalk vending.

(i) (1) If an ordinance is adopted pursuant to this section, the permitting agency shall, by January 1 of each year, submit a report to the Board of Supervisors of the City and County of San Francisco and to the relevant committees of the Legislature that includes all of the following:

(A) The local permitting agency that was made responsible for administering the permit system.

(B) The rules and procedures the permitting agency adopted for administering the permit system.

(C) The list or lists of merchandise that the City and County of San Francisco determined was a common target of retail theft.

(D) Whether the City and County of San Francisco elected to renew its ordinance and, if so, when.

(E) The total number of permits issued pursuant to this section.

(F) The method by which the local permitting agency determined whether an applicant for a permit was able to demonstrate that they obtained merchandise lawfully and not through theft or extortion.

(G) The total number of infractions and misdemeanors issued, and the number for which convictions were reached.

(H) The race or ethnicity, gender, and age of the person issued an infraction or misdemeanor, provided that the identification of these characteristics was solely based on the observation and perception of the local authority who issued the infraction

or misdemeanor.

(l) The actions taken by a local authority when issuing infractions or misdemeanors, including, but not limited to, all of the following:

(i) Whether the local authority asked for consent to search the person, and, if so, whether consent was provided.

(ii) Whether the local authority searched the person or any property, and, if so, the basis for the search and any contraband or evidence discovered.

(iii) Whether the local authority seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(2) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(j) This section shall not be construed to affect the applicability of other state or local laws, including, but not limited to, Section 496 of the Penal Code.

(k) This section shall become inoperative on January 1, 2031, and as of that date is repealed.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to address the issues relative to fencing and retail theft operations in the City and County of San Francisco.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 53076.5 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a vendor with regard to their California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuing of a permit or business license, it is necessary that the vendor's number be confidential, except as provided in this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The City and County of San Francisco is experiencing rampant retail theft and the reselling of stolen goods on their streets, which leads to chaos and violence. In order to address this serious issue at the earliest time possible, it is necessary for this act to take effect immediately.