

First Supplement to Memorandum 2018-69

Recodification of Toxic Substance Statutes (Organizational Issues)

Memorandum 2018-69 asks the Commission¹ to decide where its recodification of toxic substance statutes will be located in the Health and Safety Code. In response to that memorandum, attorney Peter Weiner submitted comments suggesting that the recodified law be placed in a new Division 21 of the Health and Safety Code (see attached Exhibit). This new Division 21 would follow Division 20, where the provisions are currently located. Mr. Weiner recommends that Chapters 6.5 through 6.97 of Division 20 all be included in new Division 21.

As Mr. Weiner suggests, a new Division 21 is a possible location for the recodification. Given the surrounding section numbering, section numbers would be more constrained in a new Division 21 than in the two locations suggested in Memorandum 2018-69 (i.e., creating a new Division between Divisions 39 and 101, or at the end of the code). Using a new Division 21 could perhaps require the use of decimal points in section numbers to accommodate the law.² While that is not ideal, a new Division 21 offers the benefit of being located closer to the existing, related chapters found in Division 20.

Respectfully submitted,

Kristin Burford
Staff Counsel

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. A new Division 21 would fall between the existing Divisions 20 and 23. Section 26217 is the final section number in Division 20. Division 23 commences with Section 32000.

EMAIL FROM PETER WEINER
(12/5/18)

Kristin, in response to your recent communication, I think that the location of the new law should be a new Division 21 of the Health and Safety Code, and should comprise current Chapters 6.5 through 6.97. I know that the Commission does not have the charge for those other chapters, but they logically belong there. If it were a new Division 21, I personally believe that you could keep much of the numbering of individual statutes, even if you then had a Part as well as Chapter and Article headings. Keeping the same numbering for important statutes like Section 25187 (as an example) would make it much easier for students, lawyers, and the public to retain current references.

Please let me know if you are interested in further discussion of this issue.

Thanks,

Peter Weiner