

MEMORANDUM 2025-34

Minutes of Meeting on June 26, 2025 (Draft)

The California Law Revision Commission held a meeting on June 26, 2025, in Sacramento and via teleconference.¹ The public was able to attend the meeting in-person or via teleconference.

A draft of Minutes for the June 26, 2025, meeting is attached for the Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.² As a means of observing that rule for teleconference attendees, the attendee list only includes those who affirmatively consented to being identified in the Minutes as part of the teleconference registration process or who identified themselves during public comment.

Respectfully submitted,

Sharon Reilly
Executive Director

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 Gov't Code § [11124](#).

DRAFT MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION

June 26, 2025

A meeting of the California Law Revision Commission was held in Sacramento and via teleconference on June 26, 2025.

ATTENDANCE

Commission

Present Richard Simpson, Vice-Chairperson
Maria Bee
David A. Carrillo
Ana Cubas
Cara Jenkins, Legislative Counsel
Victor King
Assemblymember Blanca Pacheco

Absent Xochitl Carrion, Chairperson
Senator Catherine Blakespear
Amb. (r.) David Huebner

Commission Staff

Sharon Reilly, Executive Director
Sarah Huchel, Chief Deputy Director
Steve Cohen, Senior Staff Counsel
Christie House, Chief Administrative Officer
Megan Hayenga, Office Technician

Antitrust Experts

Cheryl Johnson, Consultant to the Commission

Other Attendees¹

Joan Allen	Carl London
Lucy Chinkezan	Nadia Mahallati
Eric Enson	Mona Masri
Ben Golombek	Chris May
Tyler Katzenberger	Rhiannon Morales
Gilbert Lara	Benjamin O'Brien
Deanna LaTour-Jarquin	Brynne O'Neal

¹ Members of the public are only identified in the Minutes as attendees if they expressly consented to being identified when registering to attend via teleconference, by completing the voluntary visitor register at an in-person meeting location, or by identifying themselves during public comment.

Andrew Oxford
Justin Paddock
Kaitlyn Preston
Dan Robbins
Andrew Rock
Robert Singleton
Carlia Suba

Jennifer Suh
Ryan Szczepanik
Jadene Tamura
Trisha Thao
Ashley Tigue
Roman Vogelsang

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APPROVAL OF ACTIONS TAKEN

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact is noted below.

MINUTES

The Commission considered Memorandum 2025-22, presenting draft Minutes of the April 3, 2025, meeting. The Commission approved the Minutes without change. Assemblymember Pacheco abstaining and Commissioner Cubas was absent.

(Commissioner Cubas was not present when this decision was made. Assemblymember Pacheco abstained.)

ADMINISTRATIVE MATTERS

Report of the Executive Director

The Executive Director reported on the following matters:

- SB 740 (Laird) – teleconference meeting procedures extension to December 2029
- Budget update
- Hiring update
- Office space
- Updating internal policies and procedures
- Website Contract
- IT support services contract
- New Conflict of Interest statement

Commissioner Suggestions

There were no suggestions made by Commissioners.

Commission Handbook Updates

The Commission will review this issue at its September 18, 2025, meeting.

2025 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2025-24, discussing the Commission's 2025 legislative program. No Commission decisions were required or made.

STUDY E-200 — RECODIFICATION OF TOXIC SUBSTANCES STATUTES

The Commission considered Memorandum 2025-25, presenting a cumulative draft of proposed recodified provisions of Chapter 6.5 of Division 20 of the Health and Safety Code that have been provisionally approved by the Commission for inclusion in a future tentative recommendation.

No Commission action relating to this memorandum was required or taken.

The Commission also considered Memorandum 2025-26, presenting a staff draft of additional proposed recodified provisions of Chapter 6.5 for provisional inclusion in the future tentative recommendation.

The Commission provisionally approved the inclusion of the proposed revisions presented by Memorandum 2025-26 in that future tentative recommendation.

(Assemblymember Pacheco was not present when this decision was made.)

STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION FROM COMMUNICATION SERVICE PROVIDERS

The Commission considered Memorandum 2025-27, presenting a staff draft recommendation with a proposed revision to a Commission Comment.

Commissioner Carrillo requested that the phrase “prior to” in subdivision (h) of the Comment be changed to “before.” The Comment would now read:

Subdivision (h) makes clear that the procedure in this section to provide notice to a consumer ~~prior to~~ before serving a subpoena for the consumer’s electronic communication information is inapplicable to a subpoena served in a pretrial investigation.

The Commission, with Commissioner Cubas abstaining, approved the draft recommendation of the proposed revision with the changes suggested by Commissioner Carrillo for submission to the legislature and publication in the Commission’s final reports.

STUDY I-100 — EQUAL RIGHTS AMENDMENT

The Commission considered Memorandum 2025-28 presenting public comments, an Executive Order update relevant to the study, and a revised draft tentative recommendation that included amended cross references that were previously presented in a prior staff memorandum.

The Commission agreed with staff’s changes and recommendation to resubmit the draft tentative recommendation for public comment.

STUDY I-200 — TERMINOLOGY RELATING TO PERSONS WITH DISABILITIES

The Commission considered Memorandum 2025-29, providing a status report on the study. No Commission action relating to this memorandum was required or taken.

STUDY B-750 — ANTITRUST LAW

The Commission considered the following memoranda:

- Memorandum 2025-30, presenting analysis of public comment and draft language options for single firm conduct and Supplement 1 thereto
- Memorandum 2025-31, presenting analysis and draft language options for mergers and acquisitions and Supplement 1 thereto
- Memorandum 2025-32, presenting analysis and draft language options for

misuse of market power

- Memorandum 2025-33, presenting the antitrust consultant contract extension

Regarding Memorandum 2025-30, the Commission provided direction to staff on the draft language for Options One and Two and the Legislative Findings and Declarations. The Commission voted to direct staff to discontinue work on Option Three.

Three Commissioners suggested ending work on Option One, but two Commissioners indicated they would like to see it again. The Commission directed staff to continue work on Option One.

The Commission directed staff to revise Option Two in various ways, including:

- Addressing, perhaps in a comment, that harm to competition can occur from one actor
- Clarifying and explaining “to attempt to restrain the free exercise of competition or the freedom of trade or production”
- Incorporating the term “unreasonable” in restraint of trade, possibly in code and/or findings and declarations or a Comment. The staff should review case law on issue
- Incorporating burden shifting, but to be mindful of arbitrary rules.
- Continuing to clarify language relating to federal law

The Commission directed staff to revise the draft language for Findings and Declarations in various ways, including:

- Drafting a basic purpose statement for the Cartwright Act
- Making clarifying changes to the enhanced purpose statement, including editing duplicative language
- Including language about the effect of federal law such as “Federal antitrust law shall not be binding on California courts, but courts may consider federal law persuasive authority to the extent they find it persuasive and consistent with California law and the purpose set forth in [the basic purpose statement].”
- Distinguishing between findings and declarations versus mandatory statutory language
- Considering another term for “maximize”
- Considering Comments to the draft language (including avoiding using case names)

Finally, the Commission considered a public comment suggesting a rulemaking role for

the Attorney General. The Commission directed staff not to propose language related to that suggestion.

The Commission deferred decisions on Memoranda 2025-31 and 32 until the September 18, 2025, meeting to solicit further public comment. The Commission directed the staff to:

- Do no further work on misuse of market power but consider incorporating burden shifting into a single firm conduct option

The Commission considered Memorandum 2025-33, presenting the antitrust consultant contract extension. The Commission voted to approve the contract.

(Commissioner Cubas was not present when this decision was made. Assemblymember Pacheco abstained.)
