

AMENDED IN ASSEMBLY APRIL 14, 1998
AMENDED IN ASSEMBLY MARCH 25, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 2369

Introduced by Assembly Member Wayne

February 20, 1998

An act to amend Section 11374.5 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 2369, as amended, Wayne. Controlled substances: environmental cleanup.

Existing law requires any manufacturer of a controlled substance who is convicted of disposing of any hazardous substance that is a controlled substance or a chemical used in the manufacture of a controlled substance in violation of any law regulating the disposal of hazardous substances or hazardous waste to pay a penalty equal to the amount of the actual cost of any gross evidence removal of hazardous substances or hazardous waste that is incurred by an agency as a result of the illegal disposal.

This bill additionally would require any person who ~~manufactures, stores, sells, transports, or disposes of any hazardous substance that is a controlled substance or a substance used in the manufacture of a controlled substance~~ *is convicted of the manufacture, sale, possession for sale, possession, transportation, or disposal of any hazardous*



substance that is a controlled substance or a chemical used in the manufacture of a controlled substance in violation of any law to pay this gross evidence removal penalty.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11374.5 of the Health and Safety
2 Code is amended to read:

3 11374.5. (a) Any manufacturer of a controlled
4 substance who disposes of any hazardous substance that
5 is a controlled substance or a chemical used in the
6 manufacture of a controlled substance in violation of any
7 law regulating the disposal of hazardous substances or
8 hazardous waste is guilty of a public offense punishable by
9 imprisonment in the state prison for two, three, or four
10 years or in the county jail not exceeding one year.

11 (b) (1) In addition to any other penalty or liability
12 imposed by law, a person who is convicted of violating
13 ~~subdivision (a), or who manufactures, stores, sells,~~
14 ~~transports, or disposes of any hazardous substance that is~~
15 ~~a controlled substance or a substance used in the~~
16 ~~manufacture of a controlled substance in violation of any~~
17 ~~subdivision (a), or any person who is convicted of the~~
18 ~~manufacture, sale, possession for sale, possession,~~
19 ~~transportation, or disposal of any hazardous substance~~
20 ~~that is a controlled substance or a chemical used in the~~
21 ~~manufacture of a controlled substance in violation of any~~
22 law, shall pay a penalty equal to the amount of the actual
23 cost of any gross evidence removal of hazardous
24 substances or hazardous waste *and any costs incurred in*
25 *the removal and disposal of contamination* that is
26 incurred by an agency as a result of the unlawful activity.
27 The court shall transmit all penalties collected pursuant
28 to this subdivision to the county treasurer of the county
29 in which the court is located for deposit in a special
30 account in the county treasury. The county treasurer shall
31 pay that money at least once a month to the agency that
32 incurred the cost for the gross evidence removal. The



1 county may retain up to 5 percent of any assessed penalty
2 for appropriate and reasonable administrative costs
3 attributable to the collection and disbursement of the
4 penalty.

5 (2) If the Department of ~~Justice~~ *Toxic Substances*
6 *Control* has incurred the cost for the gross evidence
7 removal, the county treasurer shall transfer funds in the
8 amount of the penalty collected to the Treasurer, who
9 shall deposit the money in the Controlled Substance
10 Disposal Account, which is hereby created in the General
11 Fund in the State Treasury. The Department of ~~Justice~~
12 *Toxic Substances Control* may expend the money in the
13 Controlled Substance Disposal Account, upon
14 appropriation by the Legislature, to cover the cost of
15 gross evidence removals.

16 (c) As used in this section the following terms have the
17 following meaning:

18 (1) "Dispose" means to abandon, deposit, intern, or
19 otherwise discard as a final action after use has been
20 achieved or a use is no longer intended.

21 (2) "Hazardous substance" has the same meaning as
22 defined in Section 25316.

23 (3) "Hazardous waste" has the same meaning as
24 defined in Section 25117.

