# Vetting “ways”

## TLDR

#### “Ways” is prob fine

… in the sense that I did not quickly find definitions of the phrase that created a slam-dunk problem for the Res.

#### In general

It is a term that will lean into Websters and conventional dictionaries. There’s not a lot of Court verdicts that hinge on the term.

#### Honestly

… I think a Q and A over this doc should be a low priority for the TC – but I am happy to report verbally.

## Receipts

### “Ways” – plural – dictionary level cards

Oxford Advanced Learner's Dictionary ’23

2023 Oxford University Press - #E&F - https://www.oxfordlearnersdictionaries.com/us/definition/english/way\_1#way

way noun

in more ways than one

​used to show that a statement has more than one meaning

With the first goal he used his head in more ways than one.

#### Ways = in “such a manner”

Merriam Webster

“Ways.” Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/ways. #E&F - Accessed 4 Jun. 2023.

Ways - adverb suffix

: in (such) a way, course, direction, or manner

### “Way” – singular - dictionary cards

#### “Way” = method/style

Oxford Advanced Learner's Dictionary ’23

2023 Oxford University Press - #E&F - https://www.oxfordlearnersdictionaries.com/us/definition/english/way\_1#way

way noun - method/style

(countable] a method, style or manner of doing something

I prefer to do things the easy way.

I love him and I think he feels the same way.

way to do something I'm sure we can find a way to make this work.

Using the subway is the only way to avoid the traffic.

(informal, disapproving) That's no way to speak to your mother!

way of doing something I'm not happy with this way of working.

way (that)… It's not what you say, it's the way that you say it.

I hate the way she always criticizes me.

I told you we should have done it my way!

in the… way She dresses in the same way as her sister.

Infectious diseases can be acquired in several ways.

In this way, we can track the storms as they move across the ocean.

in the way (that)… It works in the way you'd expect.

New technology has radically changed the way in which this work is done.

in a way that… She writes in a way that is easy to understand.

I generally get what I want one way or another (= by some means).

#### “Way” = mechanism to make an action possible

Oxford Advanced Learner's Dictionary ’23

2023 Oxford University Press - #E&F - https://www.oxfordlearnersdictionaries.com/us/definition/english/way\_1#way

way noun

open the way for somebody/something (to do something)

​to make it possible for somebody to do something or for something to happen

The agreement could open the way for the country to pay off its debts.

### use in Federal Code – “ways”

#### Not a definition per se – but “ways” is used in Federal Code in a manner akin to the intent of the TC:

LII – no dates

Legal information institute – Cornell Law School – LII Electronic Code of Federal Regulations (e-CFR) Title 20 - Employees' Benefits CHAPTER V - EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR PART 680 - ADULT AND DISLOCATED WORKER ACTIVITIES UNDER TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT Subpart D - Eligible Training Providers § 680.510 In what ways can a Local Workforce Development Board supplement the information available from the State list of eligible training providers and programs? - #E&F – https://www.law.cornell.edu/cfr/text/20/680.510

§ 680.510 In what ways can a Local Workforce Development Board supplement the information available from the State list of eligible training providers and programs?

(a) Local WDBs may supplement the criteria and information requirements established by the Governor in order to support informed consumer choice and the achievement of local performance indicators. However, the Local WDB may not do so for registered apprenticeship programs.

(b) This additional information may include:

(1) Information on programs of training services that are linked to occupations in demand in the local area;

(2) Performance and cost information, including program-specific performance and cost information, for the local outlet(s) of multi-site eligible training providers;

(3) Information that shows how programs are responsive to local requirements; and

(4) Other appropriate information related to the objectives of WIOA.

### use in Federal Code - phrase

#### There are not cards that DEFINE “ways” in Federal Code per se – but all uses in federal code are akin to the “laundry list” setup that I sense the TC desires. Receipts:

#### “one of the following ways” – Dept of Interior

LII 2K

Legal information institute – Cornell Law School – LII Electronic Code of Federal Regulations (e-CFR) Title 43 - Public Lands: Interior Subtitle B - Regulations Relating to Public Lands CHAPTER II - BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR SUBCHAPTER B - LAND RESOURCE MANAGEMENT (2000) Group 2000 - Land Resource Management; General PART 2460 - BUREAU INITIATED CLASSIFICATION SYSTEM Subpart 2462 “43 CFR § 2462.4 - Segregative effect of publication” - #E&F - https://www.law.cornell.edu/cfr/text/43/2462.4

(c) The segregative effect of a classification for sale or other disposal will terminate in one of the following ways:

(1) Disposal of the lands;

(2) Publication in the Federal Register of a notice of termination of the classification;

(3) An Act of Congress;

(4) Expiration of 2 years from the date of publication of the proposed classification without disposal of the land and without the notice of proposed continuance as prescribed by the Classification and Multiple Use Act; or

(5) Expiration of an additional period, not exceeding 2 years, if the required notice of proposed continuance is given.

#### “one of the following ways” – DOJ:

LII – no date

Legal information institute – Cornell Law School – LII Electronic Code of Federal Regulations (e-CFR) Title 21—Food and Drugs CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE PART 1317—DISPOSAL Subpart A—Disposal of Controlled Substances by Registrants § 1317.05 Registrant disposal. #E&F - https://www.law.cornell.edu/cfr/text/21/1317.05

§ 1317.05 Registrant disposal.

(a) Practitioner inventory. Any registered practitioner in lawful possession of a controlled substance in its inventory that desires to dispose of that substance shall do so in one of the following ways:

(1) Promptly destroy that controlled substance in accordance with subpart C of this part using an on-site method of destruction;

(2) Promptly deliver that controlled substance to a reverse distributor's registered location by common or contract carrier pick-up or by reverse distributor pick-up at the registrant's registered location;

(3) For the purpose of return or recall, promptly deliver that controlled substance by common or contract carrier pick-up or pick-up by other registrants at the registrant's registered location to: The registered person from whom it was obtained, the registered manufacturer of the substance, or another registrant authorized by the manufacturer to accept returns or recalls on the manufacturer's behalf; or

(4) Request assistance from the Special Agent in Charge of the Administration in the area in which the practitioner is located.

(i) The request shall be made by submitting one copy of the DEA Form 41 to the Special Agent in Charge in the practitioner's area. The DEA Form 41 shall list the controlled substance or substances which the registrant desires to dispose.

(ii) The Special Agent in Charge shall instruct the registrant to dispose of the controlled substance in one of the following manners:

(A) By transfer to a registrant authorized to transport or destroy the substance;

(B) By delivery to an agent of the Administration or to the nearest office of the Administration; or

(C) By destruction in the presence of an agent of the Administration or other authorized person.

(5) In the event that a practitioner is required regularly to dispose of controlled substances, the Special Agent in Charge may authorize the practitioner to dispose of such substances, in accordance with subparagraph (a)(4) of this section, without prior application in each instance, on the condition that the practitioner keep records of such disposals and file periodic reports with the Special Agent in Charge summarizing the disposals. The Special Agent in Charge may place such conditions as he/she deems proper on practitioner procedures regarding the disposal of controlled substances.

### May matter to the TC

#### The best legal/exclusionary cards are dipped from court cases about statutes that use the term “ways” in the context of “highways” – i.e. an old State statute in NH says someone cannot be inebriated on the “ways of the State”… I think those cards will lose on assuming a very different context. EX –

THE SUPREME COURT OF NEW HAMPSHIRE - Grafton No. 2021-0014 DIANNA RUDDER v. DIRECTOR, NEW HAMPSHIRE DIVISION OF MOTOR VEHICLES Argued: September 28, 2021 Opinion Issued: March 16, 2022 https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2022-03/2022017rudder.pdf

RSA 265-A:31, II (emphasis added).

I conclude that the term “ways” in this statute must also be construed as referring to the expanded definition of “way” in RSA 259:125, II, because the term “ways” is here being used “for the purposes of” RSA 265-A:2 or :3. The Implied Consent Law and the testing procedure thereunder are intended to determine whether RSA 265-A:2 or :3 has been violated, to deter operating under the influence, to promptly remove irresponsible drivers from the State’s highways, and to aid in prosecuting the guilty while protecting the innocent. See Mfataneza, 172 N.H. at 169; Cassady, 140 N.H. at 49. Since the term “ways” in the Implied Consent Law includes the church parking lot at issue in this case, the same term in the statute providing for administrative review of the license suspension must have the same meaning. It would be anomalous if a test properly requested pursuant to RSA 265-A:4, resulting in a license suspension pursuant to RSA 265-A:30, were to result in the license being reinstated on appeal because the definition of “ways” in the appeal statute is narrower than the definition of “ways” in RSA 265-A:4.