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**SUBSTITUTE HOUSE BILL 2011**

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**State of Washington                      58th Legislature                      2003 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Campbell, Cody, Morrell, Benson, Edwards and Chase)

READ FIRST TIME 03/05/03.

1            AN ACT Relating to state agency contracts with pharmaceutical  
2 benefit management companies; amending RCW 41.05.011 and 41.05.026;  
3 reenacting and amending RCW 42.17.310; adding a new section to chapter  
4 41.05 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** The legislature finds that pharmaceutical  
7 benefit management companies can provide valuable services to state  
8 purchased health care programs that include coverage of prescription  
9 drugs. The legislature further finds that it is in the best interests  
10 of the state to maximize potential savings associated with these  
11 contracts by obtaining full disclosure from pharmacy benefit management  
12 companies regarding their business relationships with pharmaceutical  
13 manufacturers. It is the intent of the legislature to provide for full  
14 disclosure of any remuneration received by pharmacy benefits management  
15 companies from pharmaceutical manufacturers related to the  
16 administration of state purchased health care programs.

17            **Sec. 2.** RCW 41.05.011 and 2001 c 165 s 2 are each amended to read  
18 as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section shall apply throughout this chapter.

3 (1) "Administrator" means the administrator of the authority.

4 (2) "State purchased health care" or "health care" means medical  
5 and health care, pharmaceuticals, and medical equipment purchased with  
6 state and federal funds by the department of social and health  
7 services, the department of health, the basic health plan, the state  
8 health care authority, the department of labor and industries, the  
9 department of corrections, the department of veterans affairs, and  
10 local school districts.

11 (3) "Authority" means the Washington state health care authority.

12 (4) "Insuring entity" means an insurer as defined in chapter 48.01  
13 RCW, a health care service contractor as defined in chapter 48.44 RCW,  
14 or a health maintenance organization as defined in chapter 48.46 RCW.

15 (5) "Flexible benefit plan" means a benefit plan that allows  
16 employees to choose the level of health care coverage provided and the  
17 amount of employee contributions from among a range of choices offered  
18 by the authority.

19 (6) "Employee" includes all full-time and career seasonal employees  
20 of the state, whether or not covered by civil service; elected and  
21 appointed officials of the executive branch of government, including  
22 full-time members of boards, commissions, or committees; and includes  
23 any or all part-time and temporary employees under the terms and  
24 conditions established under this chapter by the authority; justices of  
25 the supreme court and judges of the court of appeals and the superior  
26 courts; and members of the state legislature or of the legislative  
27 authority of any county, city, or town who are elected to office after  
28 February 20, 1970. "Employee" also includes: (a) Employees of a  
29 county, municipality, or other political subdivision of the state if  
30 the legislative authority of the county, municipality, or other  
31 political subdivision of the state seeks and receives the approval of  
32 the authority to provide any of its insurance programs by contract with  
33 the authority, as provided in RCW 41.04.205; (b) employees of employee  
34 organizations representing state civil service employees, at the option  
35 of each such employee organization, and, effective October 1, 1995,  
36 employees of employee organizations currently pooled with employees of  
37 school districts for the purpose of purchasing insurance benefits, at  
38 the option of each such employee organization; and (c) employees of a

1 school district if the authority agrees to provide any of the school  
2 districts' insurance programs by contract with the authority as  
3 provided in RCW 28A.400.350.

4 (7) "Board" means the public employees' benefits board established  
5 under RCW 41.05.055.

6 (8) "Retired or disabled school employee" means:

7 (a) Persons who separated from employment with a school district or  
8 educational service district and are receiving a retirement allowance  
9 under chapter 41.32 or 41.40 RCW as of September 30, 1993;

10 (b) Persons who separate from employment with a school district or  
11 educational service district on or after October 1, 1993, and  
12 immediately upon separation receive a retirement allowance under  
13 chapter 41.32, 41.35, or 41.40 RCW;

14 (c) Persons who separate from employment with a school district or  
15 educational service district due to a total and permanent disability,  
16 and are eligible to receive a deferred retirement allowance under  
17 chapter 41.32, 41.35, or 41.40 RCW.

18 (9) "Benefits contribution plan" means a premium only contribution  
19 plan, a medical flexible spending arrangement, or a cafeteria plan  
20 whereby state and public employees may agree to a contribution to  
21 benefit costs which will allow the employee to participate in benefits  
22 offered pursuant to 26 U.S.C. Sec. 125 or other sections of the  
23 internal revenue code.

24 (10) "Salary" means a state employee's monthly salary or wages.

25 (11) "Participant" means an individual who fulfills the eligibility  
26 and enrollment requirements under the benefits contribution plan.

27 (12) "Plan year" means the time period established by the  
28 authority.

29 (13) "Separated employees" means persons who separate from  
30 employment with an employer as defined in:

31 (a) RCW 41.32.010(11) on or after July 1, 1996; or

32 (b) RCW 41.35.010 on or after September 1, 2000; or

33 (c) RCW 41.40.010 on or after March 1, 2002;

34 and who are at least age fifty-five and have at least ten years of  
35 service under the teachers' retirement system plan 3 as defined in RCW  
36 41.32.010(40), the Washington school employees' retirement system plan  
37 3 as defined in RCW 41.35.010, or the public employees' retirement  
38 system plan 3 as defined in RCW 41.40.010.

1 (14) "Emergency service personnel killed in the line of duty" means  
2 law enforcement officers and fire fighters as defined in RCW 41.26.030,  
3 and reserve officers and fire fighters as defined in RCW 41.24.010 who  
4 die as a result of injuries sustained in the course of employment as  
5 determined consistent with Title 51 RCW by the department of labor and  
6 industries.

7 (15) "Pharmacy benefit management company" means an entity that  
8 administers or manages prescription drug coverage for one or more  
9 health services purchasers, such as employers, health carriers, labor  
10 organizations, or governmental entities, by providing prescription drug  
11 services that may include, but are not limited to, claims processing,  
12 development of pharmacy provider networks, negotiation of discounts or  
13 rebates from pharmaceutical manufacturers, formulary development, and  
14 prescription drug utilization review. "Pharmacy benefit management  
15 company" does not include a wholesale drug distributor, a pharmacist  
16 licensed under chapter 18.64 RCW, a health carrier as defined in RCW  
17 48.43.005(18), or pharmacy operations of any group model health  
18 maintenance organization undertaken for the benefit of patients  
19 obtaining care through that system.

20 (16) "Pharmaceutical manufacturer" means any entity that is engaged  
21 in the production, preparation, propagation, compounding, conversion,  
22 or processing of prescription drugs, either directly or indirectly by  
23 extraction from substances of natural origin, or independently by means  
24 of chemical synthesis, or by a combination of extraction and chemical  
25 synthesis, or any entity engaged in the packaging, repackaging,  
26 labeling, relabeling, or distribution of prescription drugs.  
27 "Pharmaceutical manufacturer" does not include a wholesale drug  
28 distributor, a pharmacist licensed under chapter 18.64 RCW, or pharmacy  
29 operations of any group model health maintenance organization  
30 undertaken for the benefit of patients obtaining care through that  
31 system.

32 NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW  
33 to read as follows:

34 Any contract directly between the administrator or any other agency  
35 administering a state purchased health care program and a pharmacy  
36 benefit management company must include the following provisions:

1 (1) Disclosure of any agreements between the pharmacy benefit  
2 management company and a pharmaceutical manufacturer, its contractors,  
3 or an affiliate of a pharmaceutical manufacturer related to the use of  
4 that pharmaceutical manufacturer's products. Agreements to be  
5 disclosed include but are not limited to:

6 (a) Agreements for the submission of data to pharmaceutical  
7 manufacturers or their contractors and any remuneration received from  
8 the manufacturer for supplying the data;

9 (b) Rebate agreements or contracts with pharmaceutical  
10 manufacturers related to use of that manufacturer's products or the use  
11 of another manufacturer's products;

12 (c) Payments by a drug manufacturer to the pharmacy benefits  
13 management company for switching consumer purchases to a drug produced  
14 or distributed by that pharmaceutical manufacturer; and

15 (d) Any other payment to the pharmacy benefit management company by  
16 a pharmaceutical manufacturer or its contractors; and

17 (2) An affirmative statement that the pharmacy benefits management  
18 company will be capable of administering, and agree to abide by the  
19 terms of, any preferred drug list developed for use by state purchased  
20 health care programs.

21 **Sec. 4.** RCW 41.05.026 and 1991 c 79 s 1 are each amended to read  
22 as follows:

23 (1) When soliciting proposals for the purpose of awarding contracts  
24 for goods or services, the administrator shall, upon written request by  
25 the bidder, exempt from public inspection and copying such proprietary  
26 data, trade secrets, or other information contained in the bidder's  
27 proposal that relate to the bidder's unique methods of conducting  
28 business or of determining prices or premium rates to be charged for  
29 services under terms of the proposal.

30 (2) When soliciting information for the development, acquisition,  
31 or implementation of pharmacy benefit management services, the  
32 administrator shall, upon written request by the respondent, exempt  
33 from public inspection and copying such proprietary data, trade  
34 secrets, or other information submitted by the respondent that relate  
35 to the respondent's unique methods of conducting business or data  
36 unique to the product or services of the respondent or to determining  
37 prices or rates to be charged for services.

1        (3) Actuarial formulas, statistics, cost and utilization data, or  
2 other proprietary information submitted upon request of the  
3 administrator or board by a contracting insurer, health care service  
4 contractor, health maintenance organization, ~~((or))~~ vendor, or other  
5 health services organization may be withheld at any time from public  
6 inspection when necessary to preserve trade secrets or prevent unfair  
7 competition.

8        ~~((3))~~ (4) The board may hold an executive session in accordance  
9 with chapter 42.30 RCW during any regular or special meeting to discuss  
10 information submitted in accordance with subsections (1) ~~((or--(2)))~~  
11 through (3) of this section.

12        (5) A person who challenges a request for or designation of  
13 information as exempt under this section is entitled to seek judicial  
14 review pursuant to chapter 42.17 RCW.

15        **Sec. 5.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c  
16 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as  
17 follows:

18        (1) The following are exempt from public inspection and copying:

19        (a) Personal information in any files maintained for students in  
20 public schools, patients or clients of public institutions or public  
21 health agencies, or welfare recipients.

22        (b) Personal information in files maintained for employees,  
23 appointees, or elected officials of any public agency to the extent  
24 that disclosure would violate their right to privacy.

25        (c) Information required of any taxpayer in connection with the  
26 assessment or collection of any tax if the disclosure of the  
27 information to other persons would (i) be prohibited to such persons by  
28 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the  
29 taxpayer's right to privacy or result in unfair competitive  
30 disadvantage to the taxpayer.

31        (d) Specific intelligence information and specific investigative  
32 records compiled by investigative, law enforcement, and penology  
33 agencies, and state agencies vested with the responsibility to  
34 discipline members of any profession, the nondisclosure of which is  
35 essential to effective law enforcement or for the protection of any  
36 person's right to privacy.

1 (e) Information revealing the identity of persons who are witnesses  
2 to or victims of crime or who file complaints with investigative, law  
3 enforcement, or penology agencies, other than the public disclosure  
4 commission, if disclosure would endanger any person's life, physical  
5 safety, or property. If at the time a complaint is filed the  
6 complainant, victim or witness indicates a desire for disclosure or  
7 nondisclosure, such desire shall govern. However, all complaints filed  
8 with the public disclosure commission about any elected official or  
9 candidate for public office must be made in writing and signed by the  
10 complainant under oath.

11 (f) Test questions, scoring keys, and other examination data used  
12 to administer a license, employment, or academic examination.

13 (g) Except as provided by chapter 8.26 RCW, the contents of real  
14 estate appraisals, made for or by any agency relative to the  
15 acquisition or sale of property, until the project or prospective sale  
16 is abandoned or until such time as all of the property has been  
17 acquired or the property to which the sale appraisal relates is sold,  
18 but in no event shall disclosure be denied for more than three years  
19 after the appraisal.

20 (h) Valuable formulae, designs, drawings, computer source code or  
21 object code, and research data obtained by any agency within five years  
22 of the request for disclosure when disclosure would produce private  
23 gain and public loss.

24 (i) Preliminary drafts, notes, recommendations, and intra-agency  
25 memorandums in which opinions are expressed or policies formulated or  
26 recommended except that a specific record shall not be exempt when  
27 publicly cited by an agency in connection with any agency action.

28 (j) Records which are relevant to a controversy to which an agency  
29 is a party but which records would not be available to another party  
30 under the rules of pretrial discovery for causes pending in the  
31 superior courts.

32 (k) Records, maps, or other information identifying the location of  
33 archaeological sites in order to avoid the looting or depredation of  
34 such sites.

35 (l) Any library record, the primary purpose of which is to maintain  
36 control of library materials, or to gain access to information, which  
37 discloses or could be used to disclose the identity of a library user.

1 (m) Financial information supplied by or on behalf of a person,  
2 firm, or corporation for the purpose of qualifying to submit a bid or  
3 proposal for (i) a ferry system construction or repair contract as  
4 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
5 construction or improvement as required by RCW 47.28.070.

6 (n) Railroad company contracts filed prior to July 28, 1991, with  
7 the utilities and transportation commission under RCW 81.34.070, except  
8 that the summaries of the contracts are open to public inspection and  
9 copying as otherwise provided by this chapter.

10 (o) Financial and commercial information and records supplied by  
11 private persons pertaining to export services provided pursuant to  
12 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
13 export projects pursuant to RCW 43.23.035.

14 (p) Financial disclosures filed by private vocational schools under  
15 chapters 28B.85 and 28C.10 RCW.

16 (q) Records filed with the utilities and transportation commission  
17 or attorney general under RCW 80.04.095 that a court has determined are  
18 confidential under RCW 80.04.095.

19 (r) Financial and commercial information and records supplied by  
20 businesses or individuals during application for loans or program  
21 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
22 or during application for economic development loans or program  
23 services provided by any local agency.

24 (s) Membership lists or lists of members or owners of interests of  
25 units in timeshare projects, subdivisions, camping resorts,  
26 condominiums, land developments, or common-interest communities  
27 affiliated with such projects, regulated by the department of  
28 licensing, in the files or possession of the department.

29 (t) All applications for public employment, including the names of  
30 applicants, resumes, and other related materials submitted with respect  
31 to an applicant.

32 (u) The residential addresses or residential telephone numbers of  
33 employees or volunteers of a public agency which are held by any public  
34 agency in personnel records, public employment related records, or  
35 volunteer rosters, or are included in any mailing list of employees or  
36 volunteers of any public agency.

37 (v) The residential addresses and residential telephone numbers of  
38 the customers of a public utility contained in the records or lists



1 held by the public utility of which they are customers, except that  
2 this information may be released to the division of child support or  
3 the agency or firm providing child support enforcement for another  
4 state under Title IV-D of the federal social security act, for the  
5 establishment, enforcement, or modification of a support order.

6 (w)(i) The federal social security number of individuals governed  
7 under chapter 18.130 RCW maintained in the files of the department of  
8 health, except this exemption does not apply to requests made directly  
9 to the department from federal, state, and local agencies of  
10 government, and national and state licensing, credentialing,  
11 investigatory, disciplinary, and examination organizations; (ii) the  
12 current residential address and current residential telephone number of  
13 a health care provider governed under chapter 18.130 RCW maintained in  
14 the files of the department, if the provider requests that this  
15 information be withheld from public inspection and copying, and  
16 provides to the department an accurate alternate or business address  
17 and business telephone number. On or after January 1, 1995, the  
18 current residential address and residential telephone number of a  
19 health care provider governed under RCW 18.130.040 maintained in the  
20 files of the department shall automatically be withheld from public  
21 inspection and copying unless the provider specifically requests the  
22 information be released, and except as provided for under RCW  
23 42.17.260(9).

24 (x) Information obtained by the board of pharmacy as provided in  
25 RCW 69.45.090.

26 (y) Information obtained by the board of pharmacy or the department  
27 of health and its representatives as provided in RCW 69.41.044,  
28 69.41.280, and 18.64.420.

29 (z) Financial information, business plans, examination reports, and  
30 any information produced or obtained in evaluating or examining a  
31 business and industrial development corporation organized or seeking  
32 certification under chapter 31.24 RCW.

33 (aa) Financial and commercial information supplied to the state  
34 investment board by any person when the information relates to the  
35 investment of public trust or retirement funds and when disclosure  
36 would result in loss to such funds or in private loss to the providers  
37 of this information.

38 (bb) Financial and valuable trade information under RCW 51.36.120.

1 (cc) Client records maintained by an agency that is a domestic  
2 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
3 crisis center as defined in RCW 70.125.030.

4 (dd) Information that identifies a person who, while an agency  
5 employee: (i) Seeks advice, under an informal process established by  
6 the employing agency, in order to ascertain his or her rights in  
7 connection with a possible unfair practice under chapter 49.60 RCW  
8 against the person; and (ii) requests his or her identity or any  
9 identifying information not be disclosed.

10 (ee) Investigative records compiled by an employing agency  
11 conducting a current investigation of a possible unfair practice under  
12 chapter 49.60 RCW or of a possible violation of other federal, state,  
13 or local laws prohibiting discrimination in employment.

14 (ff) Business related information protected from public inspection  
15 and copying under RCW 15.86.110.

16 (gg) Financial, commercial, operations, and technical and research  
17 information and data submitted to or obtained by the clean Washington  
18 center in applications for, or delivery of, program services under  
19 chapter 70.95H RCW.

20 (hh) Information and documents created specifically for, and  
21 collected and maintained by a quality improvement committee pursuant to  
22 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW  
23 4.24.250, regardless of which agency is in possession of the  
24 information and documents.

25 (ii) Personal information in files maintained in a data base  
26 created under RCW 43.07.360.

27 (jj) Financial and commercial information requested by the public  
28 stadium authority from any person or organization that leases or uses  
29 the stadium and exhibition center as defined in RCW 36.102.010.

30 (kk) Names of individuals residing in emergency or transitional  
31 housing that are furnished to the department of revenue or a county  
32 assessor in order to substantiate a claim for property tax exemption  
33 under RCW 84.36.043.

34 (ll) The names, residential addresses, residential telephone  
35 numbers, and other individually identifiable records held by an agency  
36 in relation to a vanpool, carpool, or other ride-sharing program or  
37 service. However, these records may be disclosed to other persons who

1 apply for ride-matching services and who need that information in order  
2 to identify potential riders or drivers with whom to share rides.

3 (mm) The personally identifying information of current or former  
4 participants or applicants in a paratransit or other transit service  
5 operated for the benefit of persons with disabilities or elderly  
6 persons.

7 (nn) The personally identifying information of persons who acquire  
8 and use transit passes and other fare payment media including, but not  
9 limited to, stored value smart cards and magnetic strip cards, except  
10 that an agency may disclose this information to a person, employer,  
11 educational institution, or other entity that is responsible, in whole  
12 or in part, for payment of the cost of acquiring or using a transit  
13 pass or other fare payment media, or to the news media when reporting  
14 on public transportation or public safety. This information may also  
15 be disclosed at the agency's discretion to governmental agencies or  
16 groups concerned with public transportation or public safety.

17 (oo) Proprietary financial and commercial information that the  
18 submitting entity, with review by the department of health,  
19 specifically identifies at the time it is submitted and that is  
20 provided to or obtained by the department of health in connection with  
21 an application for, or the supervision of, an antitrust exemption  
22 sought by the submitting entity under RCW 43.72.310. If a request for  
23 such information is received, the submitting entity must be notified of  
24 the request. Within ten business days of receipt of the notice, the  
25 submitting entity shall provide a written statement of the continuing  
26 need for confidentiality, which shall be provided to the requester.  
27 Upon receipt of such notice, the department of health shall continue to  
28 treat information designated under this section as exempt from  
29 disclosure. If the requester initiates an action to compel disclosure  
30 under this chapter, the submitting entity must be joined as a party to  
31 demonstrate the continuing need for confidentiality.

32 (pp) Records maintained by the board of industrial insurance  
33 appeals that are related to appeals of crime victims' compensation  
34 claims filed with the board under RCW 7.68.110.

35 (qq) Financial and commercial information supplied by or on behalf  
36 of a person, firm, corporation, or entity under chapter 28B.95 RCW  
37 relating to the purchase or sale of tuition units and contracts for the  
38 purchase of multiple tuition units.

1 (rr) Any records of investigative reports prepared by any state,  
2 county, municipal, or other law enforcement agency pertaining to sex  
3 offenses contained in chapter 9A.44 RCW or sexually violent offenses as  
4 defined in RCW 71.09.020, which have been transferred to the Washington  
5 association of sheriffs and police chiefs for permanent electronic  
6 retention and retrieval pursuant to RCW 40.14.070(2)(b).

7 (ss) Credit card numbers, debit card numbers, electronic check  
8 numbers, card expiration dates, or bank or other financial account  
9 numbers supplied to an agency for the purpose of electronic transfer of  
10 funds, except when disclosure is expressly required by law.

11 (tt) Financial information, including but not limited to account  
12 numbers and values, and other identification numbers supplied by or on  
13 behalf of a person, firm, corporation, limited liability company,  
14 partnership, or other entity related to an application for a liquor  
15 license, gambling license, or lottery retail license.

16 (uu) Records maintained by the employment security department and  
17 subject to chapter 50.13 RCW if provided to another individual or  
18 organization for operational, research, or evaluation purposes.

19 (vv) Individually identifiable information received by the work  
20 force training and education coordinating board for research or  
21 evaluation purposes.

22 (ww) Those portions of records assembled, prepared, or maintained  
23 to prevent, mitigate, or respond to criminal terrorist acts, which are  
24 acts that significantly disrupt the conduct of government or of the  
25 general civilian population of the state or the United States and that  
26 manifest an extreme indifference to human life, the public disclosure  
27 of which would have a substantial likelihood of threatening public  
28 safety, consisting of:

29 (i) Specific and unique vulnerability assessments or specific and  
30 unique response or deployment plans, including compiled underlying data  
31 collected in preparation of or essential to the assessments, or to the  
32 response or deployment plans; and

33 (ii) Records not subject to public disclosure under federal law  
34 that are shared by federal or international agencies, and information  
35 prepared from national security briefings provided to state or local  
36 government officials related to domestic preparedness for acts of  
37 terrorism.

1 (xx) Commercial fishing catch data from logbooks required to be  
2 provided to the department of fish and wildlife under RCW 77.12.047,  
3 when the data identifies specific catch location, timing, or  
4 methodology and the release of which would result in unfair competitive  
5 disadvantage to the commercial fisher providing the catch data.  
6 However, this information may be released to government agencies  
7 concerned with the management of fish and wildlife resources.

8 (yy) Sensitive wildlife data obtained by the department of fish and  
9 wildlife. However, sensitive wildlife data may be released to  
10 government agencies concerned with the management of fish and wildlife  
11 resources. Sensitive wildlife data includes:

12 (i) The nesting sites or specific locations of endangered species  
13 designated under RCW 77.12.020, or threatened or sensitive species  
14 classified by rule of the department of fish and wildlife;

15 (ii) Radio frequencies used in, or locational data generated by,  
16 telemetry studies; or

17 (iii) Other location data that could compromise the viability of a  
18 specific fish or wildlife population, and where at least one of the  
19 following criteria are met:

20 (A) The species has a known commercial or black market value;

21 (B) There is a history of malicious take of that species; or

22 (C) There is a known demand to visit, take, or disturb, and the  
23 species behavior or ecology renders it especially vulnerable or the  
24 species has an extremely limited distribution and concentration.

25 (zz) The personally identifying information of persons who acquire  
26 recreational licenses under RCW 77.32.010 or commercial licenses under  
27 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
28 department, and type of license, endorsement, or tag. However, the  
29 department of fish and wildlife may disclose personally identifying  
30 information to:

31 (i) Government agencies concerned with the management of fish and  
32 wildlife resources;

33 (ii) The department of social and health services, child support  
34 division, and to the department of licensing in order to implement RCW  
35 77.32.014 and 46.20.291; and

36 (iii) Law enforcement agencies for the purpose of firearm  
37 possession enforcement under RCW 9.41.040.

1 (aaa)(i) Discharge papers of a veteran of the armed forces of the  
2 United States filed at the office of the county auditor before July 1,  
3 2002, that have not been commingled with other recorded documents.  
4 These records will be available only to the veteran, the veteran's next  
5 of kin, a deceased veteran's properly appointed personal representative  
6 or executor, a person holding that veteran's general power of attorney,  
7 or to anyone else designated in writing by that veteran to receive the  
8 records.

9 (ii) Discharge papers of a veteran of the armed forces of the  
10 United States filed at the office of the county auditor before July 1,  
11 2002, that have been commingled with other records, if the veteran has  
12 recorded a "request for exemption from public disclosure of discharge  
13 papers" with the county auditor. If such a request has been recorded,  
14 these records may be released only to the veteran filing the papers,  
15 the veteran's next of kin, a deceased veteran's properly appointed  
16 personal representative or executor, a person holding the veteran's  
17 general power of attorney, or anyone else designated in writing by the  
18 veteran to receive the records.

19 (iii) Discharge papers of a veteran filed at the office of the  
20 county auditor after June 30, 2002, are not public records, but will be  
21 available only to the veteran, the veteran's next of kin, a deceased  
22 veteran's properly appointed personal representative or executor, a  
23 person holding the veteran's general power of attorney, or anyone else  
24 designated in writing by the veteran to receive the records.

25 (iv) For the purposes of this subsection (1)(aaa), next of kin of  
26 deceased veterans have the same rights to full access to the record.  
27 Next of kin are the veteran's widow or widower who has not remarried,  
28 son, daughter, father, mother, brother, and sister.

29 (bbb) Those portions of records containing specific and unique  
30 vulnerability assessments or specific and unique emergency and escape  
31 response plans at a city, county, or state adult or juvenile  
32 correctional facility, the public disclosure of which would have a  
33 substantial likelihood of threatening the security of a city, county,  
34 or state adult or juvenile correctional facility or any individual's  
35 safety.

36 (ccc) Information compiled by school districts or schools in the  
37 development of their comprehensive safe school plans pursuant to RCW

1 28A.320.125, to the extent that they identify specific vulnerabilities  
2 of school districts and each individual school.

3 (ddd) Information regarding the infrastructure and security of  
4 computer and telecommunications networks, consisting of security  
5 passwords, security access codes and programs, access codes for secure  
6 software applications, security and service recovery plans, security  
7 risk assessments, and security test results to the extent that they  
8 identify specific system vulnerabilities.

9 (eee) Information obtained and exempted or withheld from public  
10 inspection by the health care authority under RCW 41.05.026, whether  
11 retained by the authority, transferred to another state purchased  
12 health care program by the authority, or transferred by the authority  
13 to a committee created to facilitate the development, acquisition, or  
14 implementation of state purchased health care under chapter 41.05 RCW.

15 (2) Except for information described in subsection (1)(c)(i) of  
16 this section and confidential income data exempted from public  
17 inspection pursuant to RCW 84.40.020, the exemptions of this section  
18 are inapplicable to the extent that information, the disclosure of  
19 which would violate personal privacy or vital governmental interests,  
20 can be deleted from the specific records sought. No exemption may be  
21 construed to permit the nondisclosure of statistical information not  
22 descriptive of any readily identifiable person or persons.

23 (3) Inspection or copying of any specific records exempt under the  
24 provisions of this section may be permitted if the superior court in  
25 the county in which the record is maintained finds, after a hearing  
26 with notice thereof to every person in interest and the agency, that  
27 the exemption of such records is clearly unnecessary to protect any  
28 individual's right of privacy or any vital governmental function.

29 (4) Agency responses refusing, in whole or in part, inspection of  
30 any public record shall include a statement of the specific exemption  
31 authorizing the withholding of the record (or part) and a brief  
32 explanation of how the exemption applies to the record withheld.

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