

2SSB 5073 - S AMD 85

By Senators Parlette, Kohl-Welles

WITHDRAWN 03/02/2011

1 Beginning on page 28, line 7, strike all of sections 901, 902, and
2 903 and insert the following:

3 "NEW SECTION. **Sec. 901.** (1) By July 1, 2012, the department of
4 health shall, in consultation with the department of agriculture, adopt
5 rules for the creation, implementation, maintenance, and timely
6 upgrading of a secure and confidential registration system that allows:

7 (a) A peace officer to verify at any time whether a health care
8 professional has registered a person who has been contacted by that
9 peace officer and has provided that peace officer information necessary
10 to verify his or her registration as either a qualifying patient or a
11 designated provider;

12 (b) A peace officer to verify at any time during ordinary business
13 hours of the department of health whether a health care professional
14 has registered a person as either a qualifying patient or a designated
15 provider, or an address as the primary residence of a qualifying
16 patient or designated provider; and

17 (c) A peace officer to verify at any time during ordinary business
18 hours of the department of health whether a person, location, or
19 business is licensed by the department of agriculture or the department
20 of health as a licensed producer, licensed processor of cannabis
21 products, or licensed dispenser.

22 (2) The department of agriculture must, in consultation with the
23 department of health, create and maintain a secure and confidential
24 list of persons to whom it has issued a license to produce cannabis for
25 medical use or a license to process cannabis products, and the physical
26 addresses of the licensees' production and processing facilities. The
27 list must meet the requirements of subsection (9) of this section and
28 be transmitted to the department of health to be included in the
29 registry established by this section.

1 (3) The department of health must, in consultation with the
2 department of agriculture, create and maintain a secure and
3 confidential list of the persons to whom it has issued a license to
4 dispense cannabis for medical use that meets the requirements of
5 subsection (9) of this section and must be included in the registry
6 established by this section.

7 (4) Law enforcement shall comply with Article I, section 7 of the
8 state Constitution when accessing the registration system for criminal
9 investigations, which, at a minimum, requires an articulated
10 individualized suspicion of: (a) Criminal activity; or (b) the
11 possession, use, manufacture, production, processing, delivery,
12 transport, or distribution of cannabis, whether criminal or
13 noncriminal.

14 (5) Registration in the system shall be optional for qualifying
15 patients and designated providers, not mandatory, and registrations are
16 valid for one year, except that qualifying patients must be able to
17 remove themselves from the registry at any time. For licensees,
18 registrations are valid for the term of the license and the
19 registration must be removed if the licensee's license is expired or
20 revoked. The department of health must adopt rules providing for
21 registration renewals and for removing expired registrations and
22 expired or revoked licenses from the registry.

23 (6) Fees, including renewal fees, for qualifying patients and
24 designated providers participating in the registration system shall be
25 adequate to recapture the cost to the state of implementing,
26 maintaining, and enforcing the provisions of this section and the rules
27 adopted to carry out its purposes.

28 (7) The department of health, in conjunction with the department of
29 agriculture, must establish and collect reasonable fees for the
30 dissemination of information to employees of state and local law
31 enforcement agencies relating to whether a person is a licensed
32 producer, processor of cannabis products, or dispenser, or that a
33 location is the recorded address of a license producer, processor of
34 cannabis products, or dispenser, and for the dissemination of log
35 records relating to such requests for information to the subjects of
36 those requests.

37 (8) During the rule-making process, the department of health shall
38 consult with stakeholders and persons with relevant expertise, to

1 include, but not be limited to, qualifying patients, designated
2 providers, health care professionals, state and local law enforcement
3 agencies, and the University of Washington computer science and
4 engineering security and privacy research lab.

5 (9) The registration system shall meet the following requirements:

6 (a) Any personally identifiable information included in the
7 registration system must be "nonreversible," pursuant to definitions
8 and standards set forth by the national institute of standards and
9 technology;

10 (b) Any personally identifiable information included in the
11 registration system must not be susceptible to linkage by use of data
12 external to the registration system;

13 (c) The registration system must incorporate current best
14 differential privacy practices, allowing for maximum accuracy of
15 registration system queries while minimizing the chances of identifying
16 the personally identifiable information included therein; and

17 (d) The registration system must be upgradable and updated in a
18 timely fashion to keep current with state of the art privacy and
19 security standards and practices.

20 (10) The registration system shall maintain a log of each
21 verification query submitted by a peace officer, including the peace
22 officer's name, agency, and identification number, for a period of no
23 less than three years from the date of the query. Personally
24 identifiable information of qualifying patients and designated
25 providers included in the log shall be confidential and exempt from
26 public disclosure, inspection, or copying under chapter 42.56 RCW:
27 PROVIDED, That:

28 (a) Names and other personally identifiable information from the
29 list may be released only to:

30 (i) Authorized employees of the department of agriculture and the
31 department of health as necessary to perform official duties of either
32 department; or

33 (ii) Authorized employees of state or local law enforcement
34 agencies, only as necessary to verify that the person or location is a
35 qualified patient, designated provider, licensed producer, licensed
36 processor of cannabis products, or licensed dispenser, and only after
37 the inquiring employee has provided adequate identification.
38 Authorized employees who obtain personally identifiable information

1 under this subsection may not release or use the information for any
2 purpose other than verification that a person or location is a
3 qualified patient, designated provider, licensed producer, licensed
4 processor of cannabis products, or licensed dispenser;

5 (b) Information contained in the registration system may be
6 released in aggregate form, with all personally identifying information
7 redacted, for the purpose of statistical analysis and oversight of
8 agency performance and actions;

9 (c) The subject of a registration query may appear during ordinary
10 department of health business hours and inspect or copy log records
11 relating to him or her upon adequate proof of identity; and

12 (d) The subject of a registration query may submit a written
13 request to the department of health, along with adequate proof of
14 identity, for copies of log records relating to him or her.

15 (11) This section does not prohibit a department of agriculture
16 employee or a department of health employee from contacting state or
17 local law enforcement for assistance during an emergency or while
18 performing his or her duties under this chapter.

19 (12) Fees collected under this section must be deposited into the
20 health professions account under RCW 43.70.320."

21 Renumber the remaining sections consecutively and correct any
22 internal references accordingly.

23 On page 34, beginning on line 27, after "under" strike "sections
24 901, 902, and 903" and insert "section 901"

EFFECT: Rather than establish a patient registry and separate
lists of licensees, a single registry is established to include patient
and licensee information.

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