
**Rural Development, Agriculture, &
Natural Resources Committee**

HB 1385

Brief Description: Exempting United States food and drug administration nonpublic information from disclosure under the state public disclosure act.

Sponsors: Representatives Springer, Kretz, Blake, Chandler, Gregerson and Walsh; by request of Department of Agriculture.

Brief Summary of Bill

- Exempts from disclosure certain information obtained from the United States Food and Drug Administration.

Hearing Date: 2/1/19

Staff: Rebecca Lewis (786-7339).

Background:

Washington's Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions in the PRA or otherwise provided in state law. The stated policy of the PRA favors disclosure and requires narrow application of the listed exemptions.

The PRA provides exemptions from public disclosure for certain information relating to agriculture and livestock. These exemptions include:

- information on the purchase, sale, or production of individual American ginseng growers or dealers;
- information for issuance of certificates of compliance for packers and shippers of fruits and vegetables;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- certain herd inventory management information for animal disease traceability submitted to the Department of Agriculture (WSDA) by an individual or business; and
- financial statements used to determine whether an applicant meets the minimum net worth requirements to operate a public livestock market.

Federal Freedom of Information Act.

The federal Freedom of Information Act (FOIA) provides for the disclosure of information and documents controlled by the United States government. Some types of information are exempt from disclosure the FOIA, including trade secrets, certain commercial and financial information obtained from a person, and geological information and data concerning wells.

Summary of Bill:

Information or records obtained from the United States Food and Drug Administration (USFDA) pursuant to a USFDA contract or commissioning agreement are exempt from public disclosure under Washington's Public Records Act, as long as the information or records are also exempt from disclosure under the federal Freedom of Information Act. Examples of information that would be exempt are:

- confidential commercial information;
- information under the federal deliberative process privilege;
- information compiled by law enforcement; and
- information expressly required to be kept confidential by other federal laws.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.