

# FINAL BILL REPORT

## HB 1385

---

C 337 L 19  
Synopsis as Enacted

**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.

**House Committee on Rural Development, Agriculture, & Natural Resources**  
**Senate Committee on State Government, Tribal Relations & Elections**

### **Background:**

#### Washington's Public Records Act.

The Public Records Act (PRA) requires that state and local agencies 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;
- certain herd inventory management information for animal disease traceability submitted to the Washington State Department of Agriculture 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

---

*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.*

exempt from disclosure under the FOIA, including trade secrets, certain commercial and financial information obtained from a person, and geological information and data concerning wells.

**Summary:**

Information or records obtained by the Washington State Department of Agriculture 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.

**Votes on Final Passage:**

House	93	0
Senate	48	0

**Effective:** July 28, 2019