



Colorado Department
of Public Health
and Environment

OFFICE OF THE STATE REGISTRAR OF VITAL STATISTICS

Policy Number 2012-04

Policy Title: Medical Marijuana Registry Procedure for Responding to Requests for Registrant and Caregiver Information by Law Enforcement, Medical Marijuana Centers, and Requests for Patient Information by the Patient, and Service of Subpoenas.

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Enacted By: *Ronald S. Hyman*
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Purpose

This policy sets forth the procedure for responding to requests for information on registrants and caregivers from law enforcement representatives, the procedure for responding to requests for records from registry patients, and circumstances under which the Department will waive service of process for a subpoena.

Authority

Colorado Constitution, Article XVIII, Section 14; C.R.S. § 25-1.5-106; C.R.S. § 12-43.3-402, and 5 C.C.R. 1006-2.

Background

Section 14, paragraph 3 (a) permits authorized employees of state or local law enforcement agencies who have stopped or arrested a person who claims to be engaged in the medical use of marijuana and in possession of a registry identification card or its functional equivalent to access information in the confidential registry. This access is only for the purpose of verifying that an individual who has presented a registry identification card to a state or local law enforcement official is lawfully in possession of such a card.

Legislative changes to CRS 25-1.5-106 enacted on July 1, 2010 provide for verification of patient status for law enforcement when the patient or caregiver was not in possession of their required Registry documentation. Additionally, a change to CRS 12-43.3-402 change enacted on July 1, 2011, requires employees and owners of Medical Marijuana Centers to contact the Registry to

verify the receipt and status of applications to the Registry, and tacitly requires that the Registry must verify this information for the Medical Marijuana Center.

Department regulations, promulgated pursuant to Section 14, paragraph 9, provide that the Department may release information concerning a specific patient to that patient with the written authorization of such patient.

Policy

I. Law Enforcement verification.

- A. Authorized representatives of state or local law enforcement agencies (police, sheriffs, district attorneys, state troopers, etc.) may request verification of an individual's registry card, or complete application package.
- B. The procedure for such a request is:
 1. Verbal and/or email requests will not be accepted. The law enforcement representative shall submit a written request on agency letterhead via FAX, mail or hand delivery.
 2. The request shall include:
 - a. A statement to the effect that they were presented with a registration card or complete application package by an individual who's name appears on the documentation **OR** that the person in question was contacted by law enforcement and claimed to be a patient/primary caregiver on the Registry, but was not in possession of their registration card/application package,
 - b. The name on the registration card; and
 - c. The registration card number.
- C. If a complete application package is presented to law enforcement, a copy of the complete application package must accompany the request for verification. A complete application package is comprised of the application, the physician's certification, and proof of delivery to the Registry, normally in the form of a certified or registered mail receipt.
- D. If the documentation is presented to a law enforcement officer or District Attorney by an attorney representing the patient/caregiver, the documentation may be verified if the representing attorney furnishes law enforcement with additional documentation to prove their legal relationship to the patient/caregiver. Such documentation may include items such as: a court pleadings subpoena, or a letter of representation on the attorney's letterhead with a signed, notarized waiver from the client. This

documentation must be provided to the Registry along with the verification request.

- E. When verifying a patient's registry card, the Registry will not disclose primary caregiver information, if any; physician information; or information concerning the patient's medical condition.
- F. Authorized law enforcement personnel may request verification of status for contacted caregivers/patients who are not in possession of a Registry ID card or application package by providing the name, date of birth and last four digits of the patient's social security number.
- G. Telephonic or e-mail responses to requests for verification are not allowed. The written response provided by the Registry will include:
 - 1. Confirmation (or not) that the application package was received, or the registration card was issued. If issued:
 - a. The date the application was received, or the registration card was issued
 - b. The status of the registration card/application (if it has been suspended, revoked, rejected, or rescinded at patient request);
 - c. The date the registration card expired/will expire; and
 - d. The name of the person to whom the card was issued.
- H. In those cases where the law enforcement representative is verifying the status of a primary caregiver, a similar process will be followed with the response only confirming the status of the caregiver rather than the patient. The department will not provide any information concerning the patient; the physician; or information concerning the patient's medical condition.

II. Application verification for Medical Marijuana Centers (MMC)

- A. Authorized representatives of MMC's may request verification of receipt and status of a patient's application. The procedure for such a request is:
 - 1. The MMC representative shall submit a written request on business letterhead via fax, mail or hand delivery. Verbal and/or email requests will not be accepted. The request shall include:
 - a. A statement to the effect that the applicant presented a complete application package to include: the patient's application, physician recommendation, and proof of delivery of the application to the Registry, to their business.
 - b. Copies of the patient's application, physician recommendation, and proof of delivery to the Registry

- c. The driver license or State issued ID of the MMC representative making the request.
 - d. A signed, notarized (stamped) Consent for Release of Information from the patient in question.
- B. The department will not disclose primary caregiver information, if any; physician information; or information concerning the patient's medical condition.
- C. Telephonic or e-mail responses to requests for verification are not allowed. The written and faxed response provided by the Registry may include:
 - 1. Confirmation (or not) that the application package was received
 - 2. Whether (or not) the application package was rejected
 - 3. The date the application was received and/or rejected

III. Request for patient information.

- A. No information will be disclosed over the telephone, or by e-mail. The Department will provide copies of patient's records, certified if requested, when requested in writing by the patient in the form approved by the Department. A copy of the Department's form will be provided at no cost, on request.