



Colorado Department
of Public Health
and Environment

OFFICE OF THE STATE REGISTRAR OF VITAL STATISTICS

Policy Number 2008-01

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

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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; 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.

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. Registration card verification.

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. The procedure for such a requests is:

1. The law enforcement representative shall submit a written request on agency letterhead via FAX, mail or hand delivery. Verbal and/or email requests will not be accepted.
2. The request shall include:
 - a. A statement to the effect that they were presented with a registration card;
 - b. The name on the registration card; and
 - c. The registration card number.

In the alternative, the law enforcement representative may submit a copy of the card that was presented to him or her, along with a written request, on agency letterhead, asking for verification of the registry card.

When verifying a patient's registry card, the department will not disclose primary caregiver information, if any; physician information; or information concerning the patient's medical condition.

The response provided by the Medical Marijuana Registry will include:

1. Confirmation (or not) that the registration card was issued. If issued:
 - a. The date the registration card was issued;
 - b. The date the registration card expired/will expire; and
 - c. The name of the person to whom the card was issued.

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. Request for patient information.

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.

III. Service of subpoenas.

The department may waive service of process for a subpoena seeking testimony or documents from the Medical Marijuana Registry under the following conditions:

1. If law enforcement issues the subpoena:
 - a. The subpoena must be received by the records custodian of the Medical Marijuana Registry no less than (10) business days prior to the appearance date on the subpoena.
 - b. Appearance pursuant to the subpoena would not conflict with an appearance pursuant to a previously served subpoena.
 - c. The law enforcement agency must previously have sought to obtain information from the Medical Marijuana Registry as permitted pursuant to Article XVIII, Sec. 14 of the Colorado Constitution.

2. If a defendant in a criminal proceeding issues the subpoena, the subpoena must be received by the records custodian of the Medical Marijuana Registry no less than (10) business days prior to the appearance date on the subpoena and not conflict with an appearance pursuant to a previously served subpoena.