

AMERICANS FOR SAFE ACCESS PUBLIC COMMENT ~ COLORADO'S PROPOSED AMENDMENTS TO 5 CCR 1006-2, REGULATION 6 RULES AND REGULATIONS PERTAINING TO MEDICAL USE OF MARIJUANA

Americans for Safe Access ("ASA") appreciates the opportunity to submit these comments regarding the above-referenced notice of proposed rulemaking. ASA would like to commend the Department of Revenue for moving forward on these amendments to the Colorado Medical Marijuana Code.

While ASA takes issue with several provisions included in the law and these proposed rules, we welcome the opportunity to engage in a constructive dialogue with Governor Hickenlooper and the Department of Revenue to ensure that the Colorado Medical Marijuana Code serves the interests and meets the legitimate therapeutic needs of individuals who might benefit from the use of cannabis.

ASA's comments concerning patient privacy

Although the use, cultivation and provision of marijuana for medical purposes is authorized in the state of Colorado, qualified and registered patients and providers remain vulnerable to arrest and prosecution under federal law regardless of their compliance with state and local law. ASA is concerned that these new regulations, particularly those on pages 54-64 regarding surveillance systems and remote viewing, may compromise the privacy of Colorado's medical marijuana patients. Medical marijuana patients must have the same rights as other ill citizens. It is unconscionable that not only do patients lose their right to privacy, but their images are also captured on film and live feed viewable by both the MMED and the local police department upon request. Local law enforcement often collaborates with federal law enforcement agencies, and it is unclear what, if any, procedures exist to ensure that federal law enforcement won't have unfettered access to these images and video feeds.

We are also greatly concerned that currently under C.R.S. 18-4-412(4), the re-

cords of medical cannabis patients are available to an alarmingly large number of people including clerks of court and their employees. Access to this sensitive information, regardless of the department accessing it, must be extremely limited and enjoy the full protections of the Health Insurance Portability and Accountability Act (HIPAA). We suggest that the language in the regulations be similar to that of C.R.S. 18-4-412 to ensure that those not permitted under HIPAA to access medical records may be charged with the theft of a medical record or medical information should they attempt to access such records and information through the NICS system.

Except for the few concerns raised herein, we acknowledge the solid effort put forth on these regulations and we appreciate the time and resources Governor Hickenlooper and the Department of Revenue have dedicated to this important issue. If you (or your designated agents) have any questions or concerns about the comments provided or about any other questions concerning the medical marijuana programs, please contact our Washington, D.C. office directly at 202-857-4272.