

HOUSE BILL NO. 592

INTRODUCED BY L. RANDALL, BEAN, BONIEK, GETZ, HINKLE, TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CERTAIN RESTRICTIONS ON STATE PARTICIPATION IN A NATIONAL ANIMAL VERIFICATION SYSTEM; ESTABLISHING A VOLUNTARY SOURCE VERIFICATION PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Restrictions on state participation in national animal identification system -- VOLUNTARY SOURCE VERIFICATION PROGRAM. (1) The department or another state agency, acting alone or in conjunction with any source verification program, may not:

(a) mandate, coerce, use exclusionary tactics, or otherwise force participation in the national animal identification system or any other animal identification system;

(b) register premises or real property, assign premises identification numbers, or otherwise enroll a person or the person's premises in the national animal identification system or a similar state system without the person's prior knowledge and consent;

(c) withhold indemnity from a person based on the person's status of participation in the national animal identification system or a similar state system; or

(d) deny, revoke, or limit services, certificates, licenses, permits, grants, or other benefits or incentives to a person based on the person's status of participation in the national animal identification system or a similar state system.

(2) (A) THE DEPARTMENT MAY ESTABLISH A VOLUNTARY SOURCE VERIFICATION PROGRAM.

(B) A PERSON MAY WITHDRAW FROM A VOLUNTARY SOURCE VERIFICATION PROGRAM AT ANY TIME, AND THE PERSON'S PERSONAL INFORMATION MUST BE DELETED FROM THE PROGRAM'S DATABASE.

(C) ONLY THE STATE VETERINARIAN APPOINTED PURSUANT TO 81-1-301 AND THE VETERINARIAN'S STAFF MAY ACCESS INFORMATION STORED IN THE VOLUNTARY SOURCE VERIFICATION PROGRAM.

(D) THE DEPARTMENT SHALL REGISTER A PERSON'S LIVESTOCK IN THE VOLUNTARY SOURCE VERIFICATION PROGRAM AFTER THE PERSON APPLIES FOR THE PROGRAM BY SUBMITTING A SIGNED APPLICATION FORM AS PRESCRIBED BY THE DEPARTMENT. AN APPLICATION FORM MUST INCLUDE THE FOLLOWING INFORMATION:



1 (I) A CONSPICUOUS NOTICE THAT THE PROGRAM IS VOLUNTARY;

2 (II) A DISCLOSURE OF THE TYPES OF INFORMATION COLLECTED UNDER THE PROGRAM;

3 (III) NOTICE OF THE PERSONS TO WHOM THE INFORMATION COLLECTED UNDER THE PROGRAM MAY BE DISCLOSED;

4 AND

5 (IV) NOTICE THAT THE PERSON ENROLLING AN ANIMAL, LIVESTOCK, OR PREMISES IN THE PROGRAM MAY
6 WITHDRAW FROM THE PROGRAM AT ANY TIME AND THAT PERSONAL INFORMATION MUST BE DELETED FROM THE
7 PROGRAM'S DATABASE.

8 ~~(2)(3)~~ As SUBJECT TO SUBSECTION (5), AS long as it does not violate the provisions of ~~subsection~~
9 SUBSECTIONS (1) AND (2), nothing in this section prohibits:

10 (a) the department from establishing or participating in disease control programs specifically designed
11 to address a specific disease in a specific species of livestock;

12 (b) private agricultural industry organizations from establishing a source verification program;

13 (c) a person from voluntarily participating in the national animal identification system.

14 ~~(3)(4)~~ As used in this section, the following definitions apply:

15 (a) "Livestock" means cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches,
16 rheas, emus, goats, and other animals for purposes of disease prevention, control, and eradication.

17 (b) "National animal identification system" or "NAIS" means the program established by the United States
18 department of agriculture in 9 CFR, parts 71 and 77 through 80, or any component of the NAIS, including:

19 (i) premises identification or property identification by number;

20 (ii) animal identification;

21 (iii) tracking or surveillance of domesticated animals; and

22 (iv) participation in NAIS by an individual state.

23 (c) "Premises" means a location where livestock are held, managed, or boarded.

24 (d) "Source verification program" means a program that tracks individual animals or groups of animals
25 for the purpose of determining the origin of the animal or group, the identity of all other animals that have been
26 in contact with the animal or group, or all premises at which the animal or group has been held. The term includes
27 registration of premises and animal identification.

28 (5) NOTHING IN THIS SECTION PROHIBITS VOLUNTARY PARTICIPATION IN ANY SOURCE VERIFICATION PROGRAM.

29
30 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an

1 integral part of Title 81, chapter 2, and the provisions of Title 81, chapter 2, apply to [section 1].

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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