

HOUSE BILL NO. 294

INTRODUCED BY R. COOK

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CONFIDENTIALITY OF CERTAIN INFORMATION REGARDING THE TESTING OF LIVESTOCK; PROVIDING EXCEPTIONS TO THE CONFIDENTIALITY OF THE ANIMAL TESTING INFORMATION; AND PROVIDING RULEMAKING AUTHORITY."

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

NEW SECTION. **Section 1. Confidentiality of information collected -- exceptions.** (1) Except as provided in subsections (2) through (4), all information regarding the testing of any livestock that is owned by or in the possession or custody of a livestock producer, livestock dealer as defined in 81-8-213, or livestock market as defined in 81-8-213 that is collected by the department:

- (a) must be held confidential by the department and its employees;
- (b) is not a public writing as described in 2-6-101 and is exempt from the public disclosure provisions of Title 2, chapter 6; and
- (c) is not subject to discovery or introduction into evidence in any civil action.

(2) For the purposes of this section, "livestock" has the meaning provided in 81-2-702.

(3) The administrator, appointed pursuant to 81-1-301, may disclose information collected by the department from individual livestock producers, livestock dealers, or livestock markets for the purposes of the department's animal health programs whenever in the administrator's judgment the disclosure will assist in the implementation of the animal health programs. The administrator may disclose the information to another governmental entity pursuant to the conditions described in subsection (4) or (5) or if the governmental entity confirms in writing that the entity will maintain the confidentiality of the information.

(4) Animal disease diagnostic tests that identify the owner of the animal tested may not be disclosed unless:

- (a) the administrator determines that disclosure is necessary to prevent the spread of an animal disease or to protect the public health;
- (b) the owner gives written permission to disclose the information;



1 (c) the information is disclosed in actions or administrative proceedings commenced under the provisions
2 of Title 81, chapter 2, 4, 5, 6, 8, 9, or 30;

3 (d) disclosure is required by subpoena or court order; or

4 (e) the information is disclosed to a law enforcement agency in connection with the investigation or
5 prosecution of criminal offenses.

6 (5) The board may release information collected for the purposes of a national livestock identification
7 program related to the ownership and location of individual animals to the extent the information is useful in
8 controlling or preventing a disease outbreak or to show particular animals or herds are not involved in a disease
9 outbreak. The information released may be a public release or may be limited to specific persons identified by
10 the board who have a need to know.

11 (6) Upon release by the administrator or the board of any information to any other governmental entity
12 or to any person, the administrator shall:

13 (a) notify the person to whom the information refers or pertains that the release has been made and the
14 name of the governmental entity or person to whom the information was released; and

15 (b) provide to the person to whom the information refers a copy or summary of the information contained
16 in the release.

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18 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
19 integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [section 1].

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