

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2781

By: Billy

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7 AS INTRODUCED

8 An Act relating to agriculture; amending Section 1,
9 Chapter 544, O.S.L. 2004 (2 O.S. Supp. 2009, Section
10 4-20), which relates to animal identification;
11 prohibiting agency from mandating national animal
12 identification registry; allowing participants to
13 withdraw at any time; requiring deletion of personal
14 information upon withdrawal; providing exception; and
15 providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY Section 1, Chapter 544, O.S.L.
18 2004 (2 O.S. Supp. 2009, Section 4-20), is amended to read as
19 follows:

20 Section 4-20. A. The state may support a voluntary animal
21 identification program. The Oklahoma Department of Agriculture,
22 Food, and Forestry shall ~~be the official~~ not mandate or otherwise
23 force national animal identification agency ~~of the state and shall~~
24 ~~be the official agency of the state in any dealings between this~~

1 ~~state and the United States Department of Agriculture, any other~~
2 ~~federal agency, or any agency or person of this or another state on~~
3 ~~matters pertaining to animal identification system (NAIS) premises~~
4 ~~registration without specific statutory authorization from the~~
5 ~~Oklahoma Legislature.~~

6 B. ~~It is the intent of the Oklahoma State Legislature to direct~~
7 ~~and authorize the Oklahoma Department of Agriculture, Food, and~~
8 ~~Forestry to develop, implement, and administer an Oklahoma Animal~~
9 ~~Identification Program that achieves the following goals:~~

10 1. ~~Enhance disease preparedness by rapidly identifying animals~~
11 ~~exposed to disease, thus allowing quick detection, containment, and~~
12 ~~elimination of disease threats;~~

13 2. ~~Promote continued confidence in animal products and to~~
14 ~~protect the health status of Oklahoma's herds and flocks;~~

15 3. ~~Identify infected and exposed premises, animals, and groups~~
16 ~~of animals;~~

17 4. ~~Develop a comprehensive infrastructure that utilizes state-~~
18 ~~of the art national and international standards with the best~~
19 ~~available and practical technologies for the collection and~~
20 ~~recording of livestock and food animal movements; and~~

21 5. ~~Be dynamic and flexible, and incorporate new and proven~~
22 ~~technologies as they become available.~~

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1 ~~C. The Department shall be authorized to promulgate rules for~~
2 ~~the implementation and administration of the Oklahoma Animal~~
3 ~~Identification Program, if one of the following occurs:~~

4 ~~1. The United States Department of Agriculture issues proposed~~
5 ~~or final rules or requirements for the implementation of a national~~
6 ~~animal identification or premises registration program;~~

7 ~~2. The United States Congress enacts requirements for a~~
8 ~~national animal identification or premises registration system; or~~

9 ~~3. Another state establishes requirements for animal~~
10 ~~identification or premises registration affecting the importation of~~
11 ~~livestock from Oklahoma.~~

12 ~~D. Any rules promulgated by the Department pursuant to this~~
13 ~~section that may be reasonably necessary to implement the Oklahoma~~
14 ~~Animal Identification Program may include the following:~~

15 ~~1. Premises identification;~~

16 ~~2. Individual animal identification;~~

17 ~~3. Group and lot animal identification;~~

18 ~~4. Specifications and standards for the identification~~
19 ~~technologies used to track and trace animal movements;~~

20 ~~5. Record keeping; and~~

21 ~~6. Protecting and improving the health of Oklahoma livestock~~
22 ~~and food animals.~~

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1 ~~E. The Department may charge fees; however, the fees shall be~~
2 ~~limited to the actual costs of the Department for the implementation~~
3 ~~and administration of the Oklahoma Animal Identification Program.~~

4 ~~F. Pursuant to this section and rules promulgated pursuant~~
5 ~~thereto, any data or records provided to the Department by persons~~
6 ~~regarding premises or animal identification, including the name and~~
7 ~~address of the provider, shall be kept confidential except in the~~
8 ~~following circumstances:~~

9 ~~1. Federal law requires the information for a National Animal~~
10 ~~Identification program;~~

11 ~~2. The Department deems release of confidential information to~~
12 ~~other state and federal agencies is necessary for disease control~~
13 ~~and disease traceback;~~

14 ~~3. The information is needed to assist law enforcement~~
15 ~~officials in livestock recovery and theft investigations; and~~

16 ~~4. The Department may release information as needed to assist~~
17 ~~in criminal investigations or tracebacks concerning violations of~~
18 ~~state or federal pharmacy acts and drug residues.~~

19 ~~G. In the event that information regarding premises or animal~~
20 ~~identification is provided to other individuals or entities, the~~
21 ~~information shall be specific and not cumulative.~~

22 ~~H. A court shall quash any subpoena commanding the disclosure~~
23 ~~of confidential information or records of the Department Any person~~
24 ~~who participates in the national animal identification system may~~

1 withdraw from the system at any time. All personal information that
2 relates to a participant shall be deleted from the system when the
3 participant withdraws, unless the participant is part of an ongoing
4 disease investigation or disease monitoring or control program.

5 SECTION 2. This act shall become effective November 1, 2010.

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