

2420

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the confidentiality of certain information submitted to the department of agriculture and markets

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 95-a of the agriculture and markets law, as amended
2 by chapter 271 of the laws of 2001, is amended to read as follows:
3 S 95-a. Animal ear tags or other identification. 1. A person who with-
4 out authorization by the commissioner, (a) cuts out, removes, obliter-
5 ates or destroys a New York state department of agriculture and markets
6 official ear tag or other official New York state identification tag,
7 device or mark on any cattle, camelid, deer, sheep, goats or swine, as
8 defined in this article, other than such identification which may be
9 used for the owner's own records in the state of New York, or (b)
10 inserts or attaches to the ear of any cattle, camelid, deer, sheep,
11 goats or swine, as defined in this article, in the state of New York a
12 New York state department of agriculture and markets official ear tag or
13 inserts in or attaches to any such animal any other official New York
14 state identification tag, device or mark other than such identification
15 which may be used for the owner's own records that has not been duly
16 issued for said animal by the department is guilty of a misdemeanor.
17 2. (A) THE FOLLOWING INFORMATION AND DATA COLLECTED AND MAINTAINED BY
18 THE DEPARTMENT RELATED TO THE REGISTRATION AND IDENTIFICATION OF PREM-
19 ISSES AND ANIMALS IS CONFIDENTIAL AND NOT SUBJECT TO PUBLIC DISCLOSURE:
20 (I) THE NAMES AND ADDRESSES OF OWNERS AND PREMISES CONTACTS;
21 (II) THE LOCATION OF PREMISES WHERE ANIMALS ARE KEPT;
22 (III) THE IDENTIFICATION NUMBER OF A PREMISES OR AN ANIMAL; AND
23 (IV) ALL BUSINESS, PRODUCTION AND INVENTORY DATA FOR ANIMAL PRODUCTION
24 UNITS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (B) THE DEPARTMENT MAY DISCLOSE THE DATA REFERRED TO IN PARAGRAPH (A)
2 OF THIS SUBDIVISION TO ANY AGENCY OR THE PUBLIC IF IT DETERMINES THAT
3 SUCH DISCLOSURE WILL AID IN THE LAW ENFORCEMENT PROCESS OR THE
4 PROTECTION OF PUBLIC OR ANIMAL HEALTH AND SAFETY.

5 (C) THE DEPARTMENT MAY DISCLOSE SUMMARY DATA ON THE STATE OF ANIMAL
6 HEALTH ON FARMS IN THE STATE. SUCH SUMMARY DATA MAY DESCRIBE CURRENT
7 ANIMAL HEALTH STATUS AND TRENDS, BUT SHALL NOT PUBLICLY IDENTIFY INDI-
8 VIDUAL FARMS OR PRODUCERS.

9 S 2. This act shall take effect immediately.