S T A T E O F N E W Y O R K

7886

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. MAGEE -- read once and referred 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:

Section 1. Section 95-a of the agriculture and markets law, as amended by chapter 271 of the laws of 2001, is amended to read as follows:

S 95-a. Animal ear tags or other identification. 1. A person who without authorization by the commissioner, (a) cuts out, removes, obliterates or destroys a New York state department of agriculture and markets official ear tag or other official New York state identification tag, device or mark on any cattle, camelid, deer, sheep, goats or swine, as defined in this article, other than such identification which may be used for the owner's own records in the state of New York, or (b) inserts or attaches to the ear of any cattle, camelid, deer, sheep, goats or swine, as defined in this article, in the state of New York a New York state department of agriculture and markets official ear tag or inserts in or attaches to any such animal any other official New York state identification tag, device or mark other than such identification which may be used for the owner's own records that has not been duly issued for said animal by the department is guilty of a misdemeanor.

2. (A) THE FOLLOWING INFORMATION AND DATA COLLECTED AND MAINTAINED BY THE DEPARTMENT RELATED TO THE REGISTRATION AND IDENTIFICATION OF PREMISES AND ANIMALS IS CONFIDENTIAL AND NOT SUBJECT TO PUBLIC DISCLOSURE:

(I) THE NAMES AND ADDRESSES OF OWNERS AND PREMISES CONTACTS;

(II) THE LOCATION OF PREMISES WHERE ANIMALS ARE KEPT;

(III) THE IDENTIFICATION NUMBER OF A PREMISES OR AN ANIMAL; AND

(IV) ALL BUSINESS, PRODUCTION AND INVENTORY DATA FOR ANIMAL PRODUCTION UNITS.

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

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

(C) THE DEPARTMENT MAY DISCLOSE SUMMARY DATA ON THE STATE OF ANIMAL HEALTH ON FARMS IN THE STATE. SUCH SUMMARY DATA MAY DESCRIBE CURRENT ANIMAL HEALTH STATUS AND TRENDS, BUT SHALL NOT PUBLICLY IDENTIFY INDIVIDUAL FARMS OR PRODUCERS.

S 2. This act shall take effect immediately.