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

9064

I N A S S E M B L Y

March 12, 2014

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to limiting disclosure of certain information

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

Section 1. The agriculture and markets law is amended by adding a new section 23-a to read as follows:

S 23-A. LIMITATION ON DISCLOSURES ASSOCIATED WITH FREEDOM OF INFORMATION LAW. 1. NOTWITHSTANDING ARTICLE SIX OF THE PUBLIC OFFICERS LAW, THE COMMISSIONER, ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT, OR ANY CONTRACTOR OR COOPERATOR OF THE DEPARTMENT, SHALL NOT DISCLOSE PURSUANT TO A REQUEST MADE PURSUANT TO SUCH ARTICLE:

(A) INFORMATION VOLUNTARILY PROVIDED BY AN OWNER OR OPERATOR OF A FARM OPERATION IN ORDER TO PARTICIPATE IN THE NEW YORK STATE CATTLE HEALTH ASSURANCE PROGRAM OR ANY SUCCESSOR CATTLE HEALTH PROGRAM ESTABLISHED BY THE DEPARTMENT PURSUANT TO SUBDIVISION FORTY-ONE OF SECTION SIXTEEN OF THIS ARTICLE (COLLECTIVELY, "NYSCHAP"); OR

(B) INFORMATION OTHERWISE CREATED AND MAINTAINED BY THE COMMISSIONER ABOUT FARM OPERATIONS FOR WHICH INFORMATION DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION IS VOLUNTARILY PROVIDED.

2. THE DISCLOSURE OF INFORMATION UNDER SUBDIVISION ONE OF THIS SECTION SHALL NOT CONSTITUTE A WAIVER OF ANY APPLICABLE PRIVILEGE OR PROTECTION UNDER FEDERAL OR STATE LAW, INCLUDING TRADE SECRET PROTECTION.

3. THE MEANING OF THE TERM "FARM OPERATION" AS USED IN THIS SECTION SHALL BE THE SAME AS IT IS DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED ONE OF THIS CHAPTER.

S 2. This act shall take effect immediately.

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

LBD11735-02-4