

Exemptions Criteria Worksheet

1. Exemption: RCW 42.56.380(9) and (10)

2. Session Law: 2006 chapter 75

3. Category: agriculture

4. Cross-ref.: RCW 16.36

5. Date Enacted: 2006

6. (Text of exemption) (9) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete;

(10) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

7. Exemption protects: ☒ Safety ☐ Privacy ☐ Financial ☒ Other (explain):

Information collected by Department of Agriculture relates to both animal disease and data collected by a national identification system to track individual animals

8. Purpose (including purpose of accompanying legislation if applicable): Bill reports discuss purposes of 1) making public information regarding completed investigations into reportable animal diseases; and 2) exempting from public disclosure data voluntarily submitted by producers for database.

9. Information covered: ☒ About gov't function ☒ Collected/held by gov't

☐ Public funds ☐ Public official ☐ Vital gov't Interest ☐ Confidential/private ☐ Other

Describe: 1) Investigations into animal diseases that producers are required to report to the state veterinarian

2) Data about individual animals collected for databases that the USDA will create, that will allow federal and state governments to track the movement of animals. At this time, submission of data by producers is voluntary.

10. Stakeholders:

1. Dept of Agriculture

Contacted: ☒ yes ☐ no

2. Farm Bureau

Contacted: ☒ yes ☐ no

The Sunshine Committee

3. Cattlemen's Assoc.

Contacted: ☒ yes ☐ no

4. Dairy Federation, Fryer Comm'n

Contacted: ☐ yes ☒ no

11. Add'l bill

Information:

Floor debate: ☐ yes ☒ no

Bill Reports: ☒ yes ☐ no

12. Comments (including significant court decisions; related WACs sections, or other).

Tabs 9 and 10 of Nov. 1, 2007 binder prepared by Dept of Agriculture contain additional information.

RCW 42.56.380

Agriculture and livestock.

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

- (1) Business-related information under RCW 15.86.110;
- (2) Information provided under RCW 15.54.362;
- (3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.89, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;
- (4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;
- (5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, 15.89, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;
- (6) Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;
- (7) Information that can be identified to a particular business and that is collected under RCW 15.17.140(2) and 15.17.143 for certificates of compliance;
- (8) Financial statements provided under RCW 16.65.030(1)(d);
- (9) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete; and
- (10) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

[2007 c 177 § 1. Prior: 2006 c 330 § 26; 2006 c 75 § 3; 2005 c 274 § 418.]

Notes:

Effective date -- 2006 c 330 § 26: "Section 26 of this act takes effect July 1, 2006." [2006 c 330 § 32.]

Construction -- Severability -- 2006 c 330: See RCW 15.89.900 and 15.89.901.

Effective date -- 2006 c 75 § 3: "Section 3 of this act takes effect July 1, 2006." [2006 c 75 § 5.]

Findings -- 2006 c 75: "The legislature finds that livestock identification numbers, premise information, and animal movement data are proprietary information that all have a role in defining a livestock producer's position within the marketplace, including his or her competitive advantage over other producers. The legislature therefore finds that exempting certain voluntary livestock identification, premise, and movement information from state public disclosure requirements will foster an environment that is more conducive to voluntary participation, and lead to a more effective livestock identification system." [2006 c 75 § 1.]

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(ggg) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

(hhh) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information.

(iii) Records of mediation communications that are privileged under chapter 7.07 RCW.

(iii) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to

local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete.

(kkk) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 3. RCW 42.56.380 and 2005 c 274 s 418 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

SENATE BILL REPORT

ESHB 2651

As Reported By Senate Committee On:
Agriculture & Rural Economic Development, February 21, 2006

Title: An act relating to disclosure of animal information.

Brief Description: Regarding disclosure of animal information.

Sponsors: House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer).

Brief History: Passed House: 2/11/06, 95-0.

Committee Activity: Agriculture & Rural Economic Development: 2/21/06 [DP].

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Delvin, Jacobsen, Morton and Sheldon.

Staff: Bob Lee (786-7404)

Background: The National Animal Identification System is being designed by the United States Department of Agriculture with the goal of having the capability to identify all animal premises and animals that had direct contact with specific foreign or domestic animal diseases within 48 hours of discovery. The involved species include cattle, swine, sheep, goats, poultry, buffalo, ostrich, emu, horses, llamas, alpacas, and aquaculture.

The program is anticipated to be developed so that all premises and animals will be registered by January 2008, and animal movement reporting is to be fully implemented in 2009. Programs that fit the unique characteristics of each species are being developed. Some species will involve the identification of individual animals while other species will involve the identification as a group. Radio frequency identification tags or implants are anticipated to be used for specific species.

Each state will have specific responsibilities to develop and implement specific components of the system including developing and maintaining databases. The Department of Agriculture is the coordinating entity for this program in Washington State.

Since there is no federal law that mandates that this program be established, successful implementation is dependent on enlightened voluntary action by livestock producers. There is concern that full public disclosure of all of the information needed for disease surveillance will create a disincentive to participation in the system.

Summary of Bill: Information submitted to a state or national identification system is exempt from disclosure. This exemption does not affect the disclosure of information used in

reportable animal health investigations under state animal health statutes once those investigations are complete.

The results of testing for animal diseases not required to be reported under state animal health statutes that are done at the request of the animal owner when that information identifies a particular business or individual are exempt from disclosure.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Testimony For: Many hours were spent discussing and understanding industry and media interests in this issue. The owner of the largest poultry operation called to say he will voluntarily participate in the program if the company's private information is protected. To many in the cattle industry, maintaining confidentiality of private information is key. The media wants to retain access about final actions of government agencies and is supportive of this approach.

Testimony Against: None.

Who Testified: PRO: Chris Cheney, Washington Fryer Commission; Jack Field, Washington Cattlemen Association; Jim Jesernig, Washington Beef; Rolland Thompson, Allied Daily Newspapers.

HOUSE BILL REPORT

ESHB 2651

As Passed Legislature

Title: An act relating to disclosure of animal information.

Brief Description: Regarding disclosure of animal information.

Sponsors: By House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer).

Brief History:

Committee Activity:

Economic Development, Agriculture & Trade: 1/30/06, 2/1/06 [DPS].

Floor Activity:

Passed House: 2/11/06, 95-0.

Passed Senate: 3/1/06, 44-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Exempts from public disclosure the information submitted by an individual or business for participation in a state or national animal identification system, except for information used in reportable animal health investigations once they are complete.
- Clarifies that disclosure to government officials of information submitted by an individual or business for participation in a state or national animal identification system is not public disclosure.
- Exempts from public disclosure the results of non-reportable animal disease testing done at the owner's request that can be identified to a particular business or individual.

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Kristiansen, Ranking Minority Member; Appleton, Bailey, Blake, Buri, Chase, Clibborn, Grant, Haler, Kilmer, McCoy, Morrell, Newhouse, Quall, Strow, P. Sullivan and Wallace.

Minority Report: Do not pass. Signed by 3 members: Representatives Dunn, Holmquist and Kretz.

Staff: Meg Van Schoorl (786-7105).

Background:

National Animal Identification System (NAIS) Purposes

In 2004, the U.S. Department of Agriculture (USDA) initiated the NAIS as a comprehensive information system to support ongoing animal disease monitoring, surveillance, and eradication programs. When fully operational, the system is planned to be in use in all states to identify and track animals as they come into contact and commingle with animals other than those in their premise of origin. The system is intended to enable animal health officials to trace a sick animal or group of animals back to the herd or premise that was the most likely source of infection, and to trace forward animals that might have been exposed but later moved away from the infected herd or premise. A stated long-term NAIS goal is to be able to identify all premises and animals that had direct contact with a foreign animal disease or domestic disease of concern within 48 hours of discovery.

NAIS Implementation

The NAIS implementation involves both the federal and state departments of agriculture and has three phases: premise registration; animal identification; and animal movement reporting. The program is currently voluntary, but may become mandatory at the federal level in 2009 or 2010.

The first phase, *voluntary premise registration*, is a state and tribal responsibility. A premise is a location where animals are born, managed, marketed or exhibited. The state Department of Agriculture began premise registrations in January 2005. In the past year, 875 Washington premises have registered using an application that calls for the following information:

- "Account Information:" primary and alternate contact names; account number; mailing address; telephone/fax/e-mail; business type (LLC, non-profit, incorporated, government, etc.); business operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.); and
- "Premise Information:" name/description of premise ("back 40;" "barn #2"); premise number if known; physical address; longitude/latitude if known; primary contact name, telephone/fax; legal description of land (township, range, section); and premise operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.).

The second phase of NAIS will involve issuance of unique individual or group lot *animal identification numbers*. Nationally, a number of industry/government species-specific workgroups have formed to consider which types of identification will work best for their particular animals. Methods under consideration include radio frequency identification tags, retinal scans, DNA, and other options.

The third phase will focus on collection of *information on animal movement* from one premise to another. Although the USDA had earlier announced plans for the data to reside in a central federal database, the agency recently stated that there will be no single repository, but instead multiple databases, some in the private sector and some with states. The databases will include records of the animal identification number, the premise identification number where the movement takes place, the date, and type of event such as movement in, movement out, or termination of the animal. Additional information pertinent to an animal disease investigation, such as species, age, and breed may also be reported and stored.

Access to Data and Disclosure

According to the USDA, federal, state, and tribal animal health and public health officials will have access to the databases when they need information to administer animal health programs. Proprietary production data will not be retained by the USDA.

Due to privacy concerns voiced by producers, the USDA had been investigating options for protecting the confidentiality of animal premise, identification and movement data from the Freedom of Information Act (FOIA). Because public disclosure laws, rules, and issues vary from state to state, there is no standardized approach being taken by states with respect to public disclosure exemptions for premise, identification, and movement data.

Reportable and Non-Reportable Diseases/Public Disclosure

The Director of the Department is authorized in Chapter 16.36 RCW to designate by rule certain animal diseases as "reportable" by veterinarians, veterinary laboratories, and others when required by statute. The list of reportable diseases is in WAC 16-70-010. Some are categorized as emergency diseases which must be reported to the State Veterinarian on the day discovered. Examples are: Bovine Spongiform Encephalopathy (BSE), Exotic Newcastle Disease, Foot and Mouth Disease, and High Pathogenic Avian Influenza. Some must be reported the next working day when suspected or confirmed, including: Brucellosis, Chronic Wasting Disease, and Lyme Disease. Other diseases are reportable monthly. When reportable disease investigations are complete, both positive and negative results must be disclosed according to OIE World Animal Health Organization codes.

Results of testing requested by an animal owner for diseases not required to be reported is subject to public disclosure.

Summary of Engrossed Substitute Bill:

Information that is submitted by an individual or business for participation in a state or national animal identification system is exempt from public disclosure. Disclosure of such information to government officials at the local, state or federal levels is not public disclosure. In addition, this exemption does not affect disclosure of information used in an investigation of an animal disease that is reportable under Chapter 16.36 RCW and WAC 16-70-010 once the investigation is complete. The results of testing for an animal disease not

required to be reported under Chapter 16.36 RCW and WAC 16-70-010 that is done at the request of the owner or his or her designee and that can be identified to a particular business or individual is exempt from public disclosure.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except that section 3 which reinstates prior law related to public disclosure exemptions for agriculture and livestock information after a scheduled expiration and takes effect July 1, 2006.

Testimony For: The livestock industry is highly competitive and sensitive to privacy issues. Disclosure of certain proprietary information may enable competitors to figure out a livestock producer's marketing strategies and margins. Producer participation and accurate, quality information are the key to successful implementation of the NAIS, neither of which will be achieved without confidentiality. Programs in Australia and Canada that are industry-driven cost 25 cents to 30 cents over the life of an animal and have high compliance. Canada is a major competitor of the United States in Asian markets and, of all Canadian cattle, 85 percent will have ear tags by 2007. The USDA is "softening" on the 2009 date because the cattle industry lacks the necessary infrastructure such as ear tags, panel readers, and scanners. There needs to be a balance between producer privacy and the public's right to know. When the State Veterinarian is conducting an investigation, disclosure should wait until the investigation is complete. When reportable disease investigations are completed, both positive and negative results must be disclosed according to the OIE World Animal Health Organization codes.

Testimony Against: The NAIS is a work in progress, and whether the database will be private or government is a moving target. Between 800-900 premises have registered in Washington out of a potential 35,000. Exempting this information from disclosure may result in 25 to 50 percent more participation. The media is concerned about government accountability and needs access to public health information to know that the State Veterinarian has done his investigations correctly. The media does not want to get proprietary information; however, there is some overlap between public health information and proprietary information. Instituting an exemption for voluntary animal testing is a problem because that information is currently disclosable.

Persons Testifying: (In support) Representative Pettigrew, prime sponsor; Jack Field and Jim Sizemore, Washington Cattlemen's Association; Ed Field, Washington Cattle Feeders Association; Jay Gordon, Washington State Dairy Federation; Jim Jesernig and Rick Stott, AgriBeef; and Chris Cheney, Washington Fryer Commission.

(Opposed) Rowland Thompson, Allied Daily Newspapers of Washington; and Mark Allen, Washington State Association of Broadcasters.

(Neutral) Dr. Leonard Eldridge, State Veterinarian, Department of Agriculture.

Persons Signed In To Testify But Not Testifying: None.

FINAL BILL REPORT

ESHB 2651

C 75 L 06

Synopsis as Enacted

Brief Description: Regarding disclosure of animal information.

Sponsors: By House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer).

House Committee on Economic Development, Agriculture & Trade
Senate Committee on Agriculture & Rural Economic Development

Background:

National Animal Identification System (NAIS) Purposes

In 2004, the U.S. Department of Agriculture (USDA) initiated the NAIS as a comprehensive information system to support ongoing animal disease monitoring, surveillance, and eradication programs. When fully operational, the system is planned to be in use in all states to identify and track animals as they come into contact and commingle with animals other than those in their premises of origin. The system is intended to enable animal health officials to trace a sick animal or group of animals back to the herd or premises that was the most likely source of infection. A stated long-term NAIS goal is to be able to identify all premises and animals that had direct contact with a foreign animal disease or domestic disease of concern within 48 hours of discovery.

NAIS Implementation

The NAIS implementation involves both the federal and state departments of agriculture and has three phases: premise registration; animal identification; and animal movement reporting. The program is voluntary, but may become mandatory at the federal level in 2009 or 2010.

The first phase, voluntary premise registration, is a state and tribal responsibility. A premise is a location where animals are born, managed, marketed or exhibited. The state Department of Agriculture began premise registrations in January 2005. In the past year, 875 Washington premises have registered using an application that calls for the following information:

- "Account Information": primary and alternate contact names; account number; mailing address; telephone/fax/e-mail; business type (LLC, non-profit, incorporated, government, etc.); business operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.); and

- "Premise Information": name/description of premise ("back 40;" "barn #2"); premise number if known; physical address; longitude/latitude if known; primary contact name, telephone/fax; legal description of land (township, range, section); and premise operation type (lab, slaughter plant, market/collection point, quarantine facility, production unit, exhibition, etc.).

The second phase of NAIS will involve issuance of unique individual or group lot animal identification numbers. Nationally, a number of industry/government species-specific workgroups have formed to consider which types of identification will work best for their particular animals. Methods under consideration include radio frequency identification tags, retinal scans, DNA, and other options.

The third phase will focus on collection of information on animal movement from one premises to another. Although the USDA had initially announced plans for the data to reside in a central federal database, the agency recently stated that there will be no single repository, but instead multiple databases, some with the private sector and some with states. The databases will include: records of the animal identification number; the premises identification number where the movement takes place; the date and type of event such as movement in or out of a premises, or termination of the animal. Additional information pertinent to an animal disease investigation such as species, age, and breed may also be reported and stored.

Access to Data and Disclosure

According to the USDA, federal, state, and tribal animal health and public health officials will have access to the databases when they need information to administer animal health programs. Proprietary production data will not be retained by the USDA.

Due to privacy concerns voiced by producers, the USDA had been investigating options for protecting the confidentiality of animal premises, identification and movement data from the Freedom of Information Act (FOIA). Because public disclosure laws, rules, and issues vary from state to state, there is no standardized approach being taken by states with respect to public disclosure exemptions for premises, identification, and movement data.

Reportable and Non-Reportable Diseases/Public Disclosure

The Director of the Department is authorized to designate by rule certain animal diseases as "reportable" by veterinarians, veterinary laboratories, and others when required by statute. Some are categorized as emergency diseases which must be reported to the State Veterinarian on the day discovered. Examples are: Bovine Spongiform Encephalopathy (BSE), Exotic Newcastle Disease, Foot and Mouth Disease, and High Pathogenic Avian Influenza. Some must be reported the next working day when suspected or confirmed, including: Brucellosis, Chronic Wasting Disease, and Lyme Disease. Other diseases are reportable monthly. When reportable disease investigations are complete, both positive and negative results must be disclosed according to World Animal Health Organization (OIE) codes.

Results of testing requested by an animal owner for diseases not required to be reported is subject to public disclosure.

Summary:

Information that is submitted by an individual or business for participation in a state or national animal identification system is exempt from public disclosure. However, disclosure of such information to government officials at the local, state or federal levels is not public disclosure. In addition, the exemption does not affect disclosure of information used in an investigation of a reportable animal disease once the investigation is complete. The results of testing for an animal disease not required to be reported that is (1) done at the request of the owner or his or her designee and (2) can be identified to a particular business or individual is exempt from public disclosure.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: June 7, 2006
July 1, 2006 (Section 3)