STATE OF OKLAHOMA

1st Session of the 51st Legislature (2007)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1842 By: Collins

COMMITTEE SUBSTITUTE

An Act relating to agriculture; stating legislative findings; defining terms; mandating that the state shall not establish or participate in an animal identification program; terminating certain agreements; voiding and prohibiting use of certain identification information; providing for exceptions; providing for private programs; providing restrictions for private programs; prohibiting requiring participation in certain programs; repealing Section 1, Chapter 544, O.S.L. 2004 (2 O.S. Supp. 2006, Section 4-20), which relates to the Animal Identification Program; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-31 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Legislature finds that existing means for identifying and tracking animals have been sufficient to trace outbreaks of animal diseases, and that there is no scientific evidence that mass, uniform tagging and tracking of animals will improve the ability to

prevent, control, or respond to an outbreak of animal disease, whether natural or intentionally introduced. The Legislature finds that the fostering of livestock ownership and farming is in the best interests of this state and its citizens, and that the establishment of a national or state animal identification system is detrimental to individual ownership and raising of livestock. The Legislature therefore directs that this state shall not participate in or establish a mandatory or voluntary animal identification system.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-32 of Title 2, unless there is created a duplication in numbering, reads as follows:

For purposes of this section:

1. "Animal" means all members of the animal kingdom except humans, fish, and insects. "Animal" does not include undomesticated animals living in the wild;

2. "Department" means the Oklahoma Department of Agriculture, Food, and Forestry;

3. "Director" means the Director of the Department or a duly authorized representative;

4. "Livestock" means equines, including horses, mules, donkeys, burros; bovines, including cattle and bison; cervids, including deer and elk; sheep; goats; swine; camelids, including llamas and alpacas; poultry, including chickens, ducks, emu, geese, guineas, pheasants, quail, turkeys; and any other animal that the federal

government may have included in the national animal identification system. "Livestock" does not include undomesticated animals living in the wild;

5. "Person" means individuals, corporations, partnerships, associations, or other legal entities and agents of those entities;

6. "Premises" means a location where livestock are raised, held, or boarded;

7. "Source verification program" means the national animal identification system (NAIS) or any other program that tracks individual animals or groups of animals in order to determine the origin of the animal or group, the identity of all other animals that have been in contact with it, and the location of all premises at which it has been held in its lifetime; and

8. "Voluntary" means free from force or coercion.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-33 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. This state shall not establish nor participate in the national animal identification system or any other source verification program.

B. The prohibition in this section also applies to the components of a source verification program including premises registration and data bases, animal identification and data bases, and animal movement tracing and data bases.

C. All cooperative agreements between the federal government and this state, or between this state and other states, established before November 1, 2007, and related to the establishment of animal tracking, tagging, registration, or information data bases, premises registration, or information data bases, use of microchips for animal tagging purposes, and other matters related to the national animal identification system are hereby terminated and null and void as to participation by this state.

D. Effective November 1, 2007, any identification lists or data bases created using, in whole or in part, federal funds under the national animal identification system, shall be void and shall not be used for any purpose by any governmental, public, or private person or entity. This provision does not include lists and data bases that were created solely for the purposes of addressing specific diseases in specific species of livestock, except to the extent that such lists have been used for the national animal identification system program.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-34 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Nothing in this act shall be construed as prohibiting the state from establishing or participating in disease control programs specifically designed to address a known disease in a specific species of livestock.

B. Nothing in this act shall be construed as prohibiting the state from operating livestock identification, brand registration, and inspection programs.

C. Nothing in this act shall be construed as prohibiting private agricultural industry organizations from establishing voluntary source verification programs for their own members or others who elect to participate. Any private system is subject to the following conditions and limitations:

1. The program shall provide for full and informed consent of all participants, including disclosure of the entire program, the possible uses of information collected thereunder, and every entity or person to whom such information may be disclosed;

2. Persons who voluntarily enroll in the program shall be allowed to withdraw from the program at any time and their personal information shall be permanently removed from program records;

3. No public funds may be used to support such a program;

4. The private program shall not be used to gain unfair competitive advantage, but shall be considered a commercial term subject to laws restricting unfair competition; and

5. A private source verification program identification system, device, or marking shall not obliterate or supersede or otherwise make unreadable a brand of this state or other local entity or mark on any animal. The rules of a source verification shall not

supersede the brand or marking system rules of this state as a matter of law.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4-35 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. No services, compensation, favors, payments, credits, benefits, licenses, permits, certifications, insurance or risk management coverage, special consideration, or other incentives may be provided by any public or private person, directly or indirectly, to any participant in an animal identification or premises registration program based solely on the participation by that person in such program.

B. No services, compensation, favors, payments, credits, benefits, licenses, permits, certifications, insurance or risk management coverage, special consideration, or other incentives may be denied, revoked, or limited by any public or private person, directly or indirectly, based solely on the lack of participation of that person in an animal identification or premises registration program.

C. Neither this state nor any local government in this state shall require any of its suppliers to participate in a premises registration or animal identification program as a condition of supplying goods or services.

D. Failure to participate in a premises registration or animal identification program, or the providing of services to persons who are not participants in a premises registration or animal identification program, shall not be a crime, an element of any crime, or evidence of any negligence or gross negligence on the part of any livestock owner or provider of goods or services.

SECTION 6. REPEALER Section 1, Chapter 544, O.S.L. 2004 (2 O.S. Supp. 2006, Section 4-20), is hereby repealed.

SECTION 7. This act shall become effective November 1, 2007.

51-1-7066 SAB 02/15/07