

Introduced by

Senators Erbele, Myrdal, Osland

Representatives Fisher, C. Johnson, Trottier

1 A BILL for an Act to create and enact section 36-01-36 of the North Dakota Century Code,
2 relating to animal identification program records; and to amend and reenact section 36-01-32 of
3 the North Dakota Century Code, relating to the development and maintenance of animal
4 tracking databases.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 36-01-32 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **36-01-32. Duties - Animal tracking.**

9 The board shall develop and maintain an animal tracking database to assist with tracking
10 animal movements for animal health purposes only. The information obtained and maintained in
11 the database is subject to open records laws as provided for in section ~~36-09-28~~36-01-36.

12 **SECTION 2.** Section 36-01-36 of the North Dakota Century Code is created and enacted as
13 follows:

14 **36-01-36. Animal identification and tracking - Open records - Exception.**

- 15 1. The board shall maintain the confidentiality of information created, collected, or
16 maintained by the state veterinarian pursuant to section 36-01-02, including the name
17 and address of the owner or lessee of the property where an animal found, pursuant to
18 section 36-01-02, is located.
- 19 2. The information described in subsection 1 is not subject to section 44-04-18 and may
20 not be disclosed unless:
- 21 a. Every individual who is the subject of the information provides written consent to
22 the release of information;
- 23 b. The disclosure is authorized pursuant to federal law;

- 1 c. The disclosure is necessary to provide a state or federal agency with information
2 to assist in animal disease control or tracing an animal disease;
3 d. The disclosure is to the attorney general or to law enforcement to assist in a
4 criminal investigation;
5 e. A court of competent jurisdiction orders the disclosure; or
6 f. The disclosure is to provide the North Dakota stockmen's association with
7 information pursuant to section 4.1-72-05.
8 3. A person violating this section is subject to the remedies set forth in section
9 44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes any
10 person that has contracted with the state for the provision of services related to the
11 animal tracking database program.