

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~~databases to assist with  
10 tracking animal movements for animal health purposes only. The information obtained and  
11 maintained in the ~~database~~databases is subject to open records laws as provided for in section  
12 ~~36-09-28~~36-01-36.

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

15 **36-01-36. ~~Animal~~Premises identification, animal identification, and animal tracking -**  
16 **Open records - Exception.**

- 17 1. The board shall maintain the confidentiality of information created, collected, or  
18 maintained by the state veterinarian ~~pursuant to section 36-01-02~~for purposes of  
19 premises identification, animal identification, or animal tracking, including the name  
20 and address of the owner or lessee of the property where an animal found, ~~pursuant to~~  
21 section 36-01-02, is located.  
22 2. The information described in subsection 1 is not subject to section 44-04-18 and may  
23 not be disclosed unless:

- 1           a. Every individual who is the subject of the information provides written consent to  
2           the release of information;
- 3           b. The disclosure is authorized pursuant to federal law;
- 4           c. The disclosure is necessary to provide a state or federal agency with information  
5           to assist in animal disease control or tracing an animal disease;
- 6           d. The disclosure is to the attorney general or to law enforcement to assist in a  
7           criminal investigation;
- 8           e. A court of competent jurisdiction orders the disclosure; or
- 9           f. The disclosure is to provide the North Dakota stockmen's association with  
10          information pursuant to section 4.1-72-05.
- 11          3. A person violating this section is subject to the remedies set forth in section  
12          44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes any  
13          person that has contracted with the state for the provision of services related to ~~the~~  
14          premises identification, animal identification, or animal tracking database program.