

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2239**

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; to amend and reenact section 36-01-32 of the
3 North Dakota Century Code, relating to the development and maintenance of animal tracking
4 databases; and to declare an emergency.

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. Premises identification, animal identification, and animal tracking - Open**
16 **records - Exception.**

- 17 1. The board shall maintain the confidentiality of information created, collected, or
18 maintained by the state veterinarian for purposes of premises identification, animal
19 identification, or animal tracking, including the name and address of the owner or
20 lessee of the property where an animal found, is located.
- 21 2. The information described in subsection 1 is not subject to section 44-04-18 and may
22 not be disclosed unless:
 - 23 a. Every individual who is the subject of the information provides written consent to
24 the release of information;

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

13 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.