

HOUSE BILL NO. HB0263

Livestock identification system.

Sponsored by: Representative(s) Wallis and Shepperson

A BILL

for

1 AN ACT relating to the livestock board; requiring a
2 comprehensive state livestock identification system for
3 identification and disease control; prohibiting state
4 participation in an any regional or national livestock
5 identification system; requiring the implementation of a
6 state livestock identification program; voiding all
7 cooperative agreements and identification lists based on
8 any regional or national livestock identification system;
9 prohibiting spending of any public funds on any regional or
10 national livestock identification system; authorizing and
11 restricting private livestock identification systems and
12 public systems for livestock ownership and disease control
13 programs; making conforming amendments; providing an
14 appropriation; and providing for an effective date.

15

16 *Be It Enacted by the Legislature of the State of Wyoming:*

17

1 **Section 1.** W.S. 11-18-120 is created to read:

2

3 **11-18-120. Livestock identification system.**

4

5 (a) The Wyoming livestock board shall establish a
6 state livestock identification program for the purpose of
7 traceability of livestock ownership and livestock disease
8 prevention and control. The Wyoming livestock board may
9 utilize the existing brand registration and inspection
10 program as part of the Wyoming identification program, but
11 it shall not replace the Wyoming brand program.

12

13 (b) Nothing in this section shall be construed as
14 prohibiting private agricultural industry organizations
15 from establishing voluntary source verification programs
16 for their own members or others who elect to participate.

17

18 (c) A private source verification program,
19 identification system, device or marking shall not
20 obliterate or supersede or otherwise make unreadable any
21 brand or mark on any animal. A source verification
22 program's rules shall not supersede Wyoming's brand or
23 marking system rules as a matter of law.

24

1 (d) Except for the brand program as provided under
2 W.S. 11-20-101 through 11-20-409, and the Wyoming livestock
3 identification program under subsection (a) of this
4 section. Wyoming shall not establish a livestock
5 identification source verification system.

6
7 (e) Wyoming shall not participate in any regional or
8 national livestock identification system or any other
9 regional or national source verification program. The
10 prohibition in this subsection shall apply to the
11 components of any regional or national source verification
12 program, including premises registration and databases,
13 livestock identification and databases and animal movement
14 tracing and databases

15
16 (f) Wyoming shall not enter into any cooperative
17 agreement with the federal government or with any other
18 state relating to the establishment of animal tracking,
19 tagging, registration or information databases, premises
20 registration or information databases, use of microchips
21 for animal tagging purposes or other matters related to an
22 livestock identification system. All cooperative
23 agreements between Wyoming and the federal government, or
24 between Wyoming and any other state, established prior to

1 the effective date of this section shall be withdrawn from
2 or terminated pursuant to the withdrawal or termination
3 clause of each agreement.

4

5 (g) Nothing in this section shall be construed as
6 prohibiting Wyoming from participating in disease control
7 programs specifically designed to address a known disease
8 in a specific species of livestock.

9

10 (h) No state funds shall be used to support any
11 regional or national livestock identification system or any
12 other regional or national source verification program.

13

14 (j) No services, compensation, favors, payments,
15 credits, benefits, licenses, permits, certifications,
16 insurance or risk management coverage, special
17 consideration or other incentives may be provided by any
18 public or private person, directly or indirectly, to any
19 participant in an livestock identification or premises
20 registration program based solely on that person's
21 participation in such program.

22

23 (k) No services, compensation, favors, payments,
24 credits, benefits, licenses, permits, certifications,

1 insurance or risk management coverage, special
2 consideration or other incentives may be denied, revoked or
3 limited by any public or private person, directly or
4 indirectly, based solely on that person's lack of
5 participation in an livestock identification or premises
6 registration program.

7
8 (m) The Wyoming livestock board shall submit an
9 annual report to the joint agriculture, state and public
10 lands and water resources interim committee by September 1
11 of each year, beginning in 2010. The report shall identify
12 the actions taken and monies expended under the livestock
13 identification program.

14
15 **Section 2.** W.S. 11-18-117 is amended to read:

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17 **11-18-117. Confidentiality of livestock premises and**
18 **identification records; penalties.**

19
20 (a) Except as provided by subsection (b) of this
21 section, all records, data and information collected by the
22 state, recorded or otherwise, ~~for the purposes of a~~
23 ~~national livestock identification program~~ shall be
24 confidential and are not public records for purposes of

1 W.S. 16-4-201 through 16-4-205. The records, data and
2 information shall be released only upon order of the
3 Wyoming livestock board to appropriate governmental
4 agencies for the purposes of ~~a national livestock~~
5 ~~identification program~~, disease outbreak or law enforcement
6 investigation. The board shall not release any records,
7 data or information to a federal agency until the agency
8 confirms in writing that it will maintain the records, data
9 and information as confidential and that they are not
10 subject to the federal Freedom of Information Act, 5 U.S.C.
11 § 552, as amended. Upon release by the board of any
12 information to any other governmental entity, the board
13 shall notify the person to whom the information refers or
14 pertains that the release has been made, the name of the
15 entity to whom the information was released and shall
16 provide a copy or summary of the information contained in
17 the release. The records, data and information shall not
18 be subject to discovery or introduction into evidence in
19 any civil action.

20

21 (b) The Wyoming livestock board may release
22 information ~~collected for the purposes of a national~~
23 ~~livestock identification program~~ related to the ownership
24 and location of individual animals to the extent the

1 information is useful in controlling or preventing a
2 disease outbreak or to show particular animals or herds are
3 not involved in a disease outbreak. The information
4 released may be a public release or may be limited to
5 specific individuals with a need to know the information,
6 as the livestock board deems the circumstances require.

7

8 (c) A person who knowingly provides false information
9 to the Wyoming livestock board for purposes of ~~a national~~
10 ~~livestock identification program~~ controlling or preventing
11 a disease outbreak shall be guilty of a misdemeanor
12 punishable by a fine of up to one thousand dollars
13 (\$1,000.00), imprisonment for up to six (6) months, or
14 both.

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16 (d) A person who refuses to provide to the livestock
17 board information that is required under the authority of
18 the livestock board for purposes of ~~a mandatory national~~
19 ~~livestock identification program~~ controlling or preventing
20 a disease outbreak shall be guilty of a misdemeanor
21 punishable by a fine of up to one thousand dollars
22 (\$1,000.00), imprisonment for up to six (6) months, or
23 both.

1 **Section 3.** There is appropriated one hundred seventy
2 thousand dollars (\$170,000.00) from the general fund to the
3 Wyoming livestock board. This appropriation shall be for
4 the period beginning with the effective date of this act
5 and ending June 30, 2010. This appropriation shall only be
6 expended for the purpose of implementing the Wyoming
7 livestock identification system. Notwithstanding any other
8 provision of law, this appropriation shall not be
9 transferred or expended for any other purpose and any
10 unexpended, unobligated funds remaining from this
11 appropriation shall revert as provided by law on June 30,
12 2010. This appropriation shall not be included in the
13 Wyoming livestock board's 2011-2012 standard biennial
14 budget request.

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16 **Section 4.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20

21 (END)