SENATE BILL 655

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Clinton D. Harden

AN ACT

RELATING TO AGRICULTURE; PROVIDING FOR CONFIDENTIALITY OF STATE

INFORMATION ON LIVESTOCK PREMISES AND IDENTIFICATION RECORDS;

PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of The Livestock Code is enacted

to read:

"[NEW MATERIAL] NATIONAL LIVESTOCK IDENTIFICATION

PROGRAM--CONFIDENTIALITY OF RECORDS.--

A. Except as provided by Subsection B of this

section, all records, data and information collected by the

state, recorded or otherwise, for the purposes of a national

livestock identification program shall be confidential and are

not public records for purposes of the Inspection of Public

Records Act. The records, data and information shall be

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released only upon order of the board to appropriate

governmental agencies for the purposes of a national livestock

identification program, disease outbreak or law enforcement

investigation. The board shall not release any records, data

or information to a federal agency until the agency confirms in

writing that it will maintain the records, data and information

as confidential and that they are not subject to release under

the federal Freedom of Information Act. Upon release by the

board of any information to any other governmental entity, the

board shall notify the person to whom the information refers or

pertains that the release has been made and the name of the

entity to whom the information was released, and the board

shall provide a copy or summary of the information contained in

the release. The records, data and information shall not be

subject to discovery or introduction into evidence in any civil

action.

B. The board may release information collected for

the purposes of a national livestock identification program

related to the ownership and location of individual animals to

the extent the information is useful in controlling or

preventing a disease outbreak or to show particular animals or

herds are not involved in a disease outbreak. The information

released may be a public release or may be limited to specific

individuals with a need to know the information, as the board

deems the circumstances require.

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C. A person who knowingly provides false information to the board for purposes of a national livestock identification program is guilty of a misdemeanor punishable by a fine of up to one thousand dollars ($1,000), imprisonment for up to six months, or both.

D. A person who refuses to provide to the board information that is required pursuant to the authority of the board for purposes of a mandatory national livestock identification program is guilty of a misdemeanor punishable by a fine of up to one thousand dollars ($1,000), imprisonment for up to six months, or both."

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