

CHAPTER 27

(HB 327)

AN ACT relating to agricultural records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 257 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsections (2) and (3) of this section, the board shall not release any agricultural or food system records, data, or information considered a part of the critical infrastructure. "Critical infrastructure" shall have the same meaning as in 42 U.S.C. sec. 5195c(e).*
- (2) *Any records, data, or information excluded under application of subsection (1) of this section shall be subject to inspection only upon order of a court of competent jurisdiction.*
- (3) *Nothing in this section shall limit the release of records, data, or information to another state or federal agency if the release of the information is necessary to prevent or control disease or to protect public health, safety, or welfare.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 257 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsections (2) and (3) of this section, the board shall not release any records, data, or information collected, recorded, or otherwise, deemed confidential for the purposes of the national animal identification system.*
- (2) *Any records, data, or information deemed confidential under application of subsection (1) of this section shall be subject to inspection only upon order of a court of competent jurisdiction.*
- (3) *Nothing in this section shall limit the release of records, data, or information to another state or federal agency if the release of the information is necessary to prevent or control disease or to protect public health, safety, or welfare.*

Section 3. KRS 257.010 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Board of Agriculture;
- (2) "Commissioner" means the Commissioner of Agriculture;
- (3) "Communicable disease" includes hog cholera, brucellosis, leptospirosis, anthrax, black leg, catarrhal influenza of cattle, contagious pleuro-pneumonia, foot and mouth disease or aphthous fever, glanders, hemorrhagic septicemia, maladie du coit or dourine, mange of cattle, necrobacillosis and foot rot in sheep, hydrophobia, rinderpest, scabies in cattle, Texas tick or southern cattle fever, tuberculosis, equine viral arteritis, or any other disease proclaimed by the board to be of a transmissible character;
- (4) "Compost" means the humus-like product of the process of composting domestic livestock, poultry, or fish, which may be used as a soil conditioner or enhancer;
- (5) "Composting" means the biological decomposition of organic matter which inhibits pathogens;
- (6) "Experiment station" means the agricultural experiment station;
- (7) "Fish" means the bodies and parts of bodies of all animal aquatic life being raised, or kept for sale to a wholesaler or retailer, or for direct sale to the public;
- (8) "Livestock" means cattle, sheep, swine, deer and elk, whose regulatory requirements are under KRS Chapters 150 and 246, that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products, goats, horses, or any other animals of the bovine, ovine, porcine, caprine, or equine species;
- (9) *"National animal identification system" means a national program intended to identify animals and track them as they come into contact with or commingle with animals other than herd mates from their premises of origin;*
- (10) "National Poultry Improvement Plan" shall have the same meaning as set out in the U.S. Code of Federal Regulations, 9 C.F.R. Part 145, and the auxiliary provisions in 9 C.F.R. Part 147;

- (11)~~(10)~~ "Owner" means any person owning or leasing from another, or having in charge any domestic animal;
- (12)~~(11)~~ "Poultry" means all chickens, ducks, turkeys, or other domestic fowl being raised or kept on any premises in the Commonwealth for profit; and
- (13)~~(12)~~ "Premises" means any portion of land, or any structure erected on land, and any vehicle or vessel used in the transportation of passengers, goods, or animals.

Approved March 17, 2006.