

## CHAPTER 85

## (HB 495)

AN ACT relating to animal identification.

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

➔Section 1. KRS 257.497 is amended to read as follows:

- (1) *The board may promulgate administrative regulations necessary to carry out the provisions of the national animal identification system if the system becomes mandatory through final federal action in accordance with the Administrative Procedure Act, 5 U.S.C. sec. 500 et seq., as amended. If the system becomes mandatory, the administrative regulations shall be no more stringent than the federal law or regulations.*
- (2) *As long as the national animal identification system is voluntary, the board shall not:*
  - (a) *Mandate or force participation in the system or any other similar system that regulates livestock or poultry, as defined by KRS 246.010, including premise registration, animal identification, or the tracking or surveillance of livestock or poultry;*
  - (b) *Withhold indemnity as provided in KRS 257.120 and 257.130 based solely on nonparticipation in the national animal identification system; or*
  - (c) *Deny, revoke, or limit services, licenses, permits, grants, or other benefits or incentives to a person if that person does not participate in the national animal identification system.*
- (3) *Nothing in this section shall be construed as prohibiting:*
  - (a) *The board from establishing or participating in disease control programs specifically designed to address a known disease in a specific species of livestock;*
  - (b) *The board from operating livestock identification, brand registration, or inspection programs as authorized under the Kentucky Revised Statutes; or*
  - (c) *Private agricultural industry organizations from establishing voluntary source verification programs for their own members or others who elect to participate.*
- (4) *No city, town, county, or other political subdivision of the Commonwealth shall adopt or continue in effect any ordinance, resolution, rule, or regulation requiring participation in the national animal identification system or any other similar system that regulates livestock or poultry, as defined by KRS 246.010, including premise registration, animal identification, or the tracking or surveillance of livestock or poultry. Local legislation in violation of this subsection shall be void and unenforceable.*
- (5) Except as provided in subsections (6) and (7)~~(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.
- ~~(6)(2)~~ Any records, data, or information deemed confidential under application of subsection (5)~~(1)~~ of this section shall be subject to inspection only upon order of a court of competent jurisdiction.
- ~~(7)(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.

**Signed by Governor April 11, 2008.**