Senate Bill 645

Sponsored by Senator FERRIOLI (at the request of Mike Smith)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Prohibits state or local agencies or units of local government from facilitating, taking part in or cooperating with source verification program or any other agreement or program for identifying, tracking or tracing livestock. Creates exceptions. Prohibits discrimination against livestock suppliers, food processors or food suppliers based on livestock supplier being participant or nonparticipant in source verification program. Provides that livestock supplier participation or nonparticipation in source verification program does not create private cause of action against supplier or customers of supplier. Requires private organization establishing source verification program to take certain actions to control use of program information.

1   **A BILL FOR AN ACT**

2   Relating to animal source programs.

3   Whereas the existing means for identifying and tracking livestock have proven sufficient to

4   trace outbreaks of animal diseases; and

5   Whereas there is no scientific evidence that a widely-applied uniform system of tagging and

6   tracking livestock will improve the ability of the federal or state government to prevent, control or

7   respond to outbreaks of animal disease; and

8   Whereas the fostering of livestock ownership and farming is in the best interest of this state

9   and residents of this state; and

10   Whereas the establishment of a federal or state animal identification system is detrimental to

11   individual ownership and raising of livestock; now, therefore,

12   **Be It Enacted by the People of the State of Oregon:**

13   <u>SECTION 1.</u> **(1) As used in this section:**

14   **(a) "Livestock" has the meaning given that term in ORS 609.125.**

15   **(b) "Source verification program" means a livestock identification system that tracks**

16   **individual livestock animals or groups of livestock for the purpose of determining:**

17   **(A) The origin of the livestock;**

18   **(B) The identity of other animals that may have had contact with the livestock; or**

19   **(C) The places where the livestock may have been raised, held or boarded.**

20   **(2) Notwithstanding ORS 561.020, 561.362 or 596.040, a state or local agency or unit of local**

21   **government may not:**

22   **(a) Establish a source verification program;**

23   **(b) Participate in or cooperate with an interstate or national source verification program;**

24   **(c) Require or encourage participation in a registration system or database for identify-**

25   **ing premises where livestock is raised, held or boarded, livestock animal identification or**

26   **livestock movement tracking or tracing;**

27   **(d) Establish, maintain in existence or share any list or database for a source verification**

28   **system; or**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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1   (e) Enter into or continue in any agreement with the federal government or other states

2   for, or accept any federal funding for, the facilitation, establishment or continuation of a

3   registration system or database for:

4   (A) Identifying premises where livestock may have been raised, held or boarded;

5   (B) Identifying particular livestock animals; or

6   (C) Tracking or tracing the movement of livestock for the purpose of determining:

7   (i) The origin of the livestock; or

8   (ii) The identity of other animals that may have had contact with the livestock.

9   (3) Subsection (2) of this section does not prohibit a state or local agency or unit of local

10   government from:

11   (a) Establishing or participating in a disease control program that addresses only a spe-

12   cific disease known to be present in a specific species or class of livestock.

13   (b) Administering and enforcing ORS 80.100 to 80.130, 87.142 to 87.490, 87.700 to 87.736,

14   561.510 to 561.600, 561.605 to 561.630, 596.311, 596.341, 596.343, 596.346, 596.351, 596.355, 596.361

15   to 596.402, 596.460 or 596.615 to 596.681 or ORS chapter 576, 577, 583, 599, 603, 604, 607, 608 or

16   621.

17   (4) A state or local agency or a unit of local government may not discriminate:

18   (a) Against a livestock supplier based upon the status of the supplier as participant or

19   nonparticipant in a source verification program; or

20   (b) Against a food processor or supplier based on the processor or supplier requiring or

21   failing to require livestock supplier participation in a source verification program.

22   SECTION 2. (1) As used in this section, "source verification program" has the meaning

23   given that term in section 1 of this 2009 Act.

24   (2) A livestock auction market, stockyard, slaughterhouse, packing plant, food processor

25   or food supplier may not discriminate against a supplier of livestock based on the status of

26   the supplier as a participant or nonparticipant in a source verification program.

27   (3) The participation or nonparticipation of a livestock supplier in a source verification

28   program does not create any private right of action against the livestock supplier or against

29   any livestock auction market, stockyard, slaughterhouse, packing plant, food processor or

30   food supplier accepting livestock from the livestock supplier.

31   SECTION 3. (1) As used in this section, "source verification program" has the meaning

32   given that term in section 1 of this 2009 Act.

33   (2) A private organization that establishes a voluntary source verification program shall:

34   (a) Provide program participants with a written disclosure of the uses that may be made

35   of information collected under the program and obtain written consent of the participants

36   to those uses.

37   (b) Maintain confidentiality of the information collected under the program, except as

38   stated in the written disclosure provided to program participants.

39   (c) Upon withdrawal of a program participant, provide the program participant with all

40   copies of information provided by the participant regarding the livestock of the participant.

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