_____ BILL NO. _____

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CONFIDENTIALITY OF COLLECTED ANIMAL DIAGNOSTIC TEST INFORMATION; CLARIFYING TERMINOLOGY; PROVIDING ADDITIONAL STATUTORY REFERENCES; AND AMENDING SECTION 81-2-115, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-2-115, MCA, is amended to read:

"**81-2-115. Confidentiality of information collected -- exceptions.** (1) ~~Except as provided in subsections (2) through (4), all information regarding the testing of any livestock that is owned by or in the possession or custody of a livestock producer, livestock dealer as defined in 81-8-213, or livestock market as defined in 81-8-213~~ The following information that is collected by the department must be held confidential and may only be disclosed by the department and its employees pursuant to subsections (3) and (4):

~~(a) must be held confidential by the department and its employees;~~

~~(b) is not a public record or public information as defined in 2-6-1002 and is exempt from disclosure; and~~

~~(c) is not subject to discovery or introduction into evidence in any civil action.~~

(a) diagnostic test information that relates to livestock as defined in 81-2-702 that is owned or in the possession or custody of a livestock producer, a livestock dealer as defined in 81-8-213, or a livestock market as defined in 81-8-213; or

(b) animal diagnostic test information that identifies the owner of a privately owned animal as defined in 81-2-702.

~~(2) For the purposes of this section, "livestock" has the meaning provided in 81-2-702.~~

(2) Information that is confidential under subsection (1):

(a) is not a public record or public information as defined in 2-6-1002 and is exempt from

disclosure; and

(b) except as provided in subsection (4), is not subject to discovery or introduction into evidence in any civil action without the consent of the affected livestock producer, livestock dealer, livestock market, or animal owner.

(3) The administrator appointed pursuant to 81-1-301 may disclose information ~~collected by the department from individual livestock producers, livestock dealers, or livestock markets~~ that is confidential under subsection (1) for the purposes of the department's animal health programs whenever in the administrator's judgment the disclosure ~~will assist in the implementation of the animal health programs~~ is necessary to:

(a) prevent the spread of animal disease;

(b) protect the public health; or

(c) effectively administer the animal health laws of this state. ~~The administrator may disclose the information to another governmental entity pursuant to the conditions described in subsection (4) or if the governmental entity confirms in writing that the entity will maintain the confidentiality of the information.~~

(4) ~~Animal disease diagnostic tests that identify the owner of the animal tested may not be disclosed unless:~~ The department may disclose information that is confidential under subsection (1) under the following circumstances:

~~(a) the administrator determines that disclosure is necessary to prevent the spread of an animal disease or to protect the public health;~~

(a) the information is disclosed to another government entity that confirms in writing that the entity will maintain the confidentiality of the information;

(b) the owner gives written permission to disclose the information;

(c) the information is disclosed in actions or administrative proceedings commenced under the provisions of Title 81, chapter 2, 4, 5, 6, 8, 9, 20, 21, 22, or 30;

(d) disclosure is required by subpoena or court order; or

(e) the information is disclosed to a law enforcement agency in connection with the implementation of animal health programs or the investigation or prosecution of criminal offenses.

(5) Upon ~~release by the administrator or the board~~ disclosure of any information ~~to any other governmental entity or to any person,~~ pursuant to subsection (4), the administrator shall:

(a) notify the person to whom the information refers or pertains that the ~~release~~ disclosure has been made and the name of the ~~governmental~~ entity or person to whom the information was ~~released~~ disclosed; and

(b) provide to the person to whom the information refers a copy or summary of the information contained in the ~~release~~ disclosure."

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