1   **NATIONAL ANIMAL IDENTIFICATION**

2   **SYSTEM**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Melvin R. Brown**

6   Senate Sponsor: Kevin T. Van Tassell

7

8   **LONG TITLE**

9   **General Description:**

10   This bill enacts a provision relating to the Utah Department of Agriculture and Food's

11   participation in a national animal identification system.

12   **Highlighted Provisions:**

13   This bill:

14   ‣   defines terms;

15   ‣   authorizes the department to participate in a national animal identification system;

16   ‣   prohibits the department or a political subdivision from requiring a person to

17   participate in a national animal identification system;

18   ‣   authorizes the department to adopt rules;

19   ‣   authorizes a person to withdraw from a national animal identification system; and

20   ‣   provides a severability clause.

21   **Monies Appropriated in this Bill:**

22   None

23   **Other Special Clauses:**

24   None

25   **Utah Code Sections Affected:**

26   ENACTS:

27   **4-31-22**, Utah Code Annotated 1953

28

29   *Be it enacted by the Legislature of the state of Utah:*

30   Section 1. Section **4-31-22** is enacted to read:

31   **4-31-22. National animal identification system.**

32   (1) As used in this section, "national animal identification system" means a voluntary

33 system organized by the United States Department of Agriculture to collect information

34 regarding premises registration, animal identification, and animal movement.

35   (2) The department may participate in a national animal identification system.

36   (3) The department may not:

37   (a) require a person to participate in the national animal identification system that

38 requires livestock premise registration, identification, or tracking;

39   (b) withhold indemnity based solely on nonparticipation in the national animal

40 identification system; or

41   (c) deny, revoke, or limit a service, license, permit, grant, or other benefit to a person

42 who does not participate in the national animal identification system.

43   (4) This section does not prohibit the department from:

44   (a) establishing or participating in a disease control program specifically designed to

45 address a known disease in a specific species of livestock; and

46   (b) operating livestock identification, brand registration, or inspection programs as

47 authorized by this title.

48   (5) A political subdivision may not require participation in the national animal

49 identification system that regulates livestock or poultry, including premise registration, animal

50 identification, or the tracking or surveillance of livestock or poultry.

51   (6) (a) A person who participates in a national animal identification system may

52 withdraw from participation at any time.

53   (b) When a person withdraws from the national animal identification system, except as

54 provided by Subsection (6)(c), the department shall:

55   (i) delete all information submitted by the person; and

56   (ii) notify any entity with whom the department has shared the information of the

57 withdrawal and request the entity delete the information.

58   (c) The department is not required to delete information if a person is part of an

59 ongoing disease investigation, monitoring, or control program for which the department has

60 responsibility.

61   (7) By following the procedures and requirements of Title 63G, Chapter 3, Utah

62 Administrative Rulemaking Act, the department may adopt a rule:

63   (a) establishing a procedure by which a person may withdraw from the national animal

64 identification system; and

65   (b) if the national animal identification is required by federal law, that is:

66   (i) necessary to implement federal law; and

67   (ii) no more stringent than federal law.

68   (8) (a) If any provision of this section, or the application of any provision to any

69 person or circumstance is held invalid, the remainder of this section shall be given effect

70 without the invalid provision or application.

71   (b) The provisions of this provision are severable.