

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1414

98TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 6, 2016, with recommendation that the Senate Committee Substitute do pass.

4766S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapters 261 and 267, RSMo, by adding thereto two new sections relating to agricultural data disclosure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 261 and 267, RSMo, are amended by adding thereto two new sections, to be known as sections 261.130 and 267.169, to read as follows:

261.130. 1. For purposes of this section, the following terms shall mean:

(1) "Agent", a duly authorized representative of the Missouri department of agriculture or the Missouri department of natural resources;

(2) "Agricultural land", the same as defined in section 350.010;

(3) "Agricultural operation", any sole proprietorship, partnership, corporation, cooperative, or other business entity which derives income from farming;

(4) "Disclose", to publish or otherwise share with or release to individuals, business entities, political subdivisions, media outlets, or other entities;

(5) "Farming", the same as defined in section 350.010;

(6) "Personal information", data which is linked to a specific individual including, but not limited to, social security numbers, telephone numbers, and addresses;

(7) "Voluntary participation", participation in a government program that is not compulsory but requires the collection of specific information from an agricultural producer or owner of agricultural land in order to participate in such program.

21 **2. Information or data in either paper or electronic form**
22 **concerning an agricultural producer or owner of agricultural land that,**
23 **in connection with such producer or owner's voluntary participation**
24 **in a program, is collected from or provided by an agricultural producer**
25 **or owner of agricultural land that is related to a farmer's personal**
26 **information, their agricultural operation, farming or conservation**
27 **practices, environmental or production data, details on assets of their**
28 **farm, or the land itself and any geospatial information maintained by**
29 **the Missouri department of agriculture or by the Missouri department**
30 **of natural resources based on agricultural land or operations where a**
31 **farmer's agricultural operation, farming or conservation practices,**
32 **environmental or production data, details on assets of their farm, or**
33 **the land itself is depicted or identified shall not be considered a public**
34 **record and shall not be subject to disclosure under chapter**
35 **610. Further, such information shall not be disclosed to agents of the**
36 **department of agriculture or the department of natural resources**
37 **unless such disclosure complies with subsection 3 of this section.**

38 **3. The department of agriculture and the department of natural**
39 **resources may disclose the information or data described in subsection**
40 **2 of this section to agents only if:**

41 **(1) Such information or data will not be subsequently disclosed**
42 **beyond such agent except in accordance with subsection 4 of this**
43 **section;**

44 **(2) Such agent is providing technical or financial assistance with**
45 **respect to the agricultural operation, agricultural land, or farming or**
46 **conservation practices, and so long as there is a written agreement in**
47 **place between the parties certifying adherence to this section; or**

48 **(3) Such agent is responding to an agricultural disease or pest**
49 **threat or other related emergency impacting agricultural operations,**
50 **if the director of the department of agriculture and the director of the**
51 **department of natural resources both determine that a threat to**
52 **agricultural operations exists and the disclosure of information to a**
53 **person or cooperating government entity is necessary to assist such**
54 **departments in responding to the disease or pest threat or emergency.**

55 **4. Nothing in this section shall prevent:**

56 **(1) The disclosure of information described in subsection 2 of**
57 **this section in paper format if such information has been transformed**

58 into a statistical or aggregate form, or from an electronic database
59 where such information can be compiled for distribution into a
60 statistical or aggregate form, that prevents the information from
61 directly or indirectly naming or identifying any individual owner,
62 operator, producer, or operation or a specific data gathering site;

63 (2) The disclosure of information described in subsection 2 of
64 this section pursuant to the expressed written consent of both the
65 agriculture producer and owner of agriculture land; or

66 (3) The disclosure of information or data required by law as a
67 condition of compliance with any of the departments' regulatory
68 functions.

69 5. The participation of an agricultural producer or owner of
70 agricultural land in, or receipt of any benefit under, any program
71 administered by the department of agriculture or the department of
72 natural resources shall not be conditioned on the consent of the
73 agricultural producer or owner of agricultural land under subdivision
74 (2) of subsection 4 of this section.

267.169. 1. For purposes of this section, the term "animal" shall
2 mean the same as the term "livestock" as defined in section 277.020.

3 2. The following data shall not be considered a public record and
4 shall not be subject to disclosure under chapter 610:

5 (1) Premises registration data collected from participants in the
6 federal Animal Disease Traceability Program, or any successor
7 program;

8 (2) Animal identification data collected from participants in the
9 federal Animal Disease Traceability Program, or any successor
10 program;

11 (3) Environmental data collected from participants in the federal
12 Animal Disease Traceability Program, or any successor program; and

13 (4) Animal tracking data collected from participants in the
14 federal Animal Disease Traceability Program, or any successor
15 program.

16 3. Notwithstanding the provisions of subsection 2 of this section,
17 the director of any state agency or the state veterinarian within the
18 department of agriculture shall release information otherwise not
19 considered a public record subject to disclosure to the extent that the
20 information is:

- 21 **(1) Useful in controlling or preventing a disease outbreak;**
22 **(2) For public safety purposes; or**
23 **(3) To show particular animals or herds are not involved in a**
24 **disease outbreak.**

25 **4. Nothing in this section shall prevent the disclosure of**
26 **information:**

27 **(1) Described in subsection 2 of this section if such information**
28 **has been transformed into a statistical or aggregate form that prevents**
29 **the information from directly or indirectly naming or identifying any**
30 **individual owner, operator, producer, operation, farmer, rancher, or a**
31 **specific data gathering site;**

32 **(2) Described in subsection 2 of this section pursuant to the**
33 **expressed written consent of the farmer or rancher; or**

34 **(3) Required by law as a condition of compliance with any state**
35 **agency regulatory function.**

36 **5. Any person who knowingly releases information not subject to**
37 **public disclosure under this section shall be considered to be violating**
38 **the provisions of this section. Any entity or person alleging a violation**
39 **of this section may bring an action in any court of competent**
40 **jurisdiction. A court may order any appropriate relief necessary,**
41 **including damages not to exceed ten thousand dollars and reasonable**
42 **attorney's fees.**

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