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Senate District B

SB 223 – Sponsor Statement
CONFIDENTIALITY OF ANIMAL RECORDS

"An Act relating to the confidentiality of certain state records relating to animals; and providing for an effective date."

This proposed legislation would make selected information that livestock producers must disclose to the State of Alaska confidential and not subject to public disclosure resulting in protection for livestock producers' proprietary business interests. The Department of Environmental Conservation will still be able to release information to other government officials regarding disease outbreaks to protect human and animal health. It would also encourage animal owners to voluntarily test their animals as they would have the assurance that testing results would be considered confidential under state law.

Alaskan livestock producers are already required to disclose information to comply with state and federal rules and regulations, such as animal importation paperwork, test results, farm location, and animal identification. Under current statutes these records are public records under Alaska Statute 40.21 (Management and Preservation of Public Records) and are subject to disclosure to the public upon request. This creates a considerable competitive disadvantage for a livestock producer operating in Alaska. In addition, because animal owners know that certain test results and animal records are subject to public record requests, some have declined to have animals tested voluntarily for contagious diseases. Lack of testing has the potential to increase the risk of animal disease outbreaks due to a reluctance to submit non-regulatory test results to the State or to ask the State for guidance or outbreak intervention. An outbreak of disease could cause significant threats to animal health, public health, the environment, the food supply, and the agricultural industry. Voluntary testing of animals decreases the potential for more serious outbreaks. Changing statute to make proprietary information confidential will remove this downside to voluntary testing.

Confidential records may still be disclosed to other local, state, or federal health officials if there is a threat to the health or safety of an animal or the public under the proposed changes. The Department would continue to keep the public informed of known animal diseases but will release information in a way that does not identify a particular owner or animal.

Business owners that the Department regulates in other sectors of food production in Alaska are allowed to keep this type of information out of the public domain. AS 40.25.120 lists 16 situations where public records may be withheld from public inspection, including "records required to be kept confidential by a federal law or regulation or by state law." The lack of a similar exemption for animal testing works against the interests of private business owners in the agricultural sector, and against the interests of public and environmental health.

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