

**ALASKA STATE LEGISLATURE**  
**SENATE RESOURCES STANDING COMMITTEE**

March 9, 2022

3:35 p.m.

**MEMBERS PRESENT**

Senator Joshua Revak, Chair  
Senator Peter Micciche, Vice Chair  
Senator Gary Stevens  
Senator Jesse Kiehl  
Senator Scott Kawasaki

**MEMBERS ABSENT**

Senator Click Bishop  
Senator Natasha von Imhof

**COMMITTEE CALENDAR**

SENATE BILL NO. 223

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

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 223

SHORT TITLE: CONFIDENTIALITY OF ANIMAL RECORDS

SPONSOR(S): SENATOR(S) MYERS

02/22/22	(S)	READ THE FIRST TIME - REFERRALS
02/22/22	(S)	RES
03/09/22	(S)	RES AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

SENATOR ROBERT MYERS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 223.

MICHAELLA ANDERSON, Staff  
Senator Robert Myers

Fairbanks, Alaska

**POSITION STATEMENT:** Introduced SB 223 on behalf of the sponsor.

KEVIN KEHOE, President

Alaska Wild Sheep Foundation (AWSF)

Anchorage, Alaska

**POSITION STATEMENT:** Testified on SB 223 by invitation.

SCOTT MUGRAGE, President

Alaska Farm Bureau (AFB)

Delta Junction, Alaska

**POSITION STATEMENT:** Testified in support of SB 223.

SUZY CROSBY, Owner

Cottonwood Creek Farm

Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of SB 223.

KELLI FOREMAN, Assistant Executive Director

Kodiak Baptist Mission

Heritage Farm Ranch

Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of SB 223.

JENNIFER YUHAF, representing self

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 223.

CHRISTINA CARPENTER, Director

Division of Environmental Health

Department of Environmental Conservation

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 223.

#### **ACTION NARRATIVE**

[3:35:34 PM](#)

**CHAIR JOSHUA REVAK** called the Senate Resources Standing Committee meeting to order at 3:35 p.m. Present at the call to order were Senators Kiehl, Kawasaki, Micciche, and Chair Revak. Senator Stevens arrived during the course of the meeting.

#### **SB 223-CONFIDENTIALITY OF ANIMAL RECORDS**

[3:36:14 PM](#)

CHAIR REVAK announced the consideration of SENATE BILL NO. 223 "An Act relating to the confidentiality of certain state records relating to animals; and providing for an effective date."

[3:37:04 PM](#)

SENATOR ROBERT MYERS, Alaska State Legislature, Juneau, Alaska, sponsor of SB 223, stated that there have been a number of iterations of this bill, but the basic premise is to address privacy concerns about information associated with animal records. He deferred further introduction to Michaela Anderson

[3:37:54 PM](#)

MICHAELLA ANDERSON, Staff, Senator Robert Myers, Fairbanks, Alaska, introduced SB 223 on behalf of the sponsor speaking to the following sponsor statement:

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.

MS. ANDERSON stated that the fiscal note for SB 223 is zero.

[3:39:53 PM](#)

MS. ANDERSON read the following sectional analysis for SB 223:

**Section 1.** AS 03.05 is amended by adding a new section AS 03.05.084 Confidentiality of certain information; exceptions

- a. Notwithstanding 03.05.010(a)(2), records related to an animal shall be maintained by Department of Environmental Conservation is confidential and not subject to disclosure under the Alaska Public Records Act if the record
  1. Identifies an individual animal, breed of animal, business, or animal owner;
  2. Contains record of test results or samples for an individual animal; or

3. Contains trade secrets or proprietary business or financial information
- b. Notwithstanding (a.), the Department of Environmental Conservation may disclose information to other governments or government agencies if the department determines there is a health or safety threat to animals or the public and disclosure of information is necessary to address the threat
- c. If the Department of Environmental Conservation discloses information under (b.), the department shall then, upon request, disclose that information to the public as long as it does not identify a person or animal

**Section 2.** Adds a new section to read: TRANSITION: REGULATIONS. The Department of Environmental Conservation may adopt regulations necessary to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

**Section 3.** Section 2 takes effect immediately under AS 01.10.070(c).

[3:42:15 PM](#)

SENATOR KIEHL asked how this compares to the other inspections that the Department of Environmental Conservation is responsible for performing.

MS. ANDERSON deferred to the department to answer how this compares to other inspections. She directed attention to a sample DEC inspection document that was distributed to the committee that shows the information that is subject to disclosure about the owner when an animal is imported into or tested in the state. The information includes an individual or business name, phone number, and microchip number.

[3:43:37 PM](#)

SENATOR KAWASAKI asked why somebody might want this information.

MS. ANDERSON answered that there are record requests to track when animals come into the state and are sold under certain state trademarks. There have also been record requests concerning test results to track diseases such as rabies. The bill would allow records requests to determine whose dogs have

rabies or whose goats and sheep have disease that can pass to wild populations.

SENATOR KAWASAKI offered his perspective that it was a good idea to know about disease like rabies in a community.

MS. ANDERSON responded that DEC and the State Veterinary Office could share that information between agencies, but under the bill personal contact information and whether or not a specific dog had rabies would not be available to the public.

SENATOR KAWASAKI indicated he would have questions for DEC.

[3:45:34 PM](#)

CHAIR REVAK turned to invited testimony on SB 223.

[3:45:56 PM](#)

KEVIN KEHOE, President, Alaska Wild Sheep Foundation (AWSF), Anchorage, Alaska, testified on SB 223 by invitation. He stated support for the concept of confidentiality of domestic animal testing and specific support for version 32-LS1471\G, [which was not the bill the committee was considering]. He said the primary purpose of AWSF is to promote the health and welfare of Alaska's wild Caprinae species, which includes Dall sheep, Rocky Mountain goats and Muskox. He reported that AWSF had contributed more than \$2.5 million to the Alaska Department of Fish and Game (ADF&G) as a 3:1 match for federal wildlife restoration funding. These contributions leveraged about \$10 million for wildlife in Alaska.

MR. KEHOE said AWSF's interest in the bill stems from their ongoing efforts to prevent the spread of disease pathogen *Mycoplasma ovipneumoniae* (M. ovi) from domestic to wild sheep and goat populations. Domestic breeders were concerned about confidentiality when they had their animals tested because it had the potential to harm their professional reputation. This concern caused some breeders to avoid testing.

MR. KEHOE stated that AWSF agrees that test results that identify specific individuals, animals or farms should be kept confidential. However, the original version of SB 223 did not allow the release of summary management information to organizations such as AWSF that are vital stakeholders in the wildlife support process. The language in the committee substitute (CS) [work order 32-LS1571\B] corrects that deficiency. [The committee did not adopt version B as the working document until the 4/4/22 hearing on SB 223.]

[3:48:20 PM](#)

SENATOR MICCICHE asked for the page and line in version B where that provision was added.

MR. KAHOE deferred to Ms. Anderson to identify the location of that addition in the CS.

[3:48:50 PM](#)

CHAIR REVAK explained that the other body added that provision to the companion bill that is going through the process, and his office was working with the sponsor to draft a committee substitute (CS) for SB 223 that would include that provision.

[3:49:19 PM](#)

SCOTT MUGRAGE, President, Alaska Farm Bureau (AFB), Delta Junction, Alaska, stated that he was testifying on behalf of the Alaska Farm Bureau in support of SB 223. He relayed that AFB's mission is to promote the economic wellbeing and expansion of agriculture and enrich the quality of life for all Alaskans. This is done through member driven advocacy and the promotion of agriculture-friendly policies. He highlighted that when AFB takes a position on an issue, it is coming from Alaskan farmers and ranchers.

MR. MUGRAGE said AFB has been working for several years to get the protections provided in SB 223 in place. Concerns about confidentiality of animal records is what has made many farmers reluctant to have their farm information go through an agency like the Department of Environmental Conservation (DEC). When state and federal laws require information to go through DEC for such things as importing animals and testing animals or farms, he said it's like going through a disease surveillance program. There's a good reason for this because it helps mitigate a problem and prevent an outbreak. Now that Alaska is trying to increase its food production, it is particularly important to have these protections in place.

MR. MUGRAGE stated that if more farmers were to participate in testing, it could result in higher quality products, more efficient production, help in the early detection of possible outbreaks, and give agencies time to respond appropriately in the event of an outbreak. Provisions in SB 223 will ensure that the public will have access to information about animals that are imported into the state and the parasites and pathogens that are found in Alaska, but the information will be big picture to protect the identify of a particular owner or animal. SB 223

also has provisions to allow confidential information to be disclosed to the relevant health officials so that problems that arise can be mitigated.

3:53:04 PM

SUZY CROSBY, Owner, Cottonwood Creek Farm, Wasilla, Alaska, stated wholehearted support for SB 223, the confidentiality bill. She agreed with Mr. Mugrage about the importance of testing and also the negative effect if an animal tests positive and the information that is released to the public is so granular it identifies the specific animal and farm. That farmer is suddenly a pariah in the community, and that discourages that farmer and others from testing in the future. She said it's a big issue for livestock owners to know that their personal information is protected when they participate in available programs. She encouraged the committee to pass the bill.

3:55:20 PM

KELLI FOREMAN, Assistant Executive Director, Kodiak Baptist Mission, Heritage Farm Ranch, Kodiak, Alaska, stated that she was calling to voice full support of [SB 223]. She shared that she had 22 after school farm and ranch kids with her and that she explained the bill to them with an analogy. She asked the kids to imagine her standing up and describing in detail how each of them had done on their subject matter tests. Everyone would hear that Reilly did very poorly in an area, how Lilly did, that Grayson was weak in an area, and that Fletcher was the star student. Doing that would decrease her ability to teach the kids and would not help them grow as individuals.

Confidentiality of animal records is the same. Alaska farmers are working to increase sustainability and expand, and with that comes the need to test in order to be and do better. There needs to be a little buffer, she said. For the kids it's that everyone doesn't have detailed knowledge about their test scores and for farmers it's the ability to test their herds to mitigate a problem before it becomes an outbreak, but without the specific information about the animal and farm being released to the public.

MS. FOREMAN relayed that she runs the goat dairy at the farm and the test results for the milk that goes on the shelf at the grocery store is and should be completely disclosed to the public. But the confidentiality provisions in SB 223 are also important to encourage testing for things like Mycoplasma ovipneumoniae (M. ovi).

[3:57:10 PM](#)

SENATOR STEVENS joined the meeting.

[3:58:07 PM](#)

CHAIR REVAK opened public testimony on SB 223.

[3:58:21 PM](#)

JENNIFER YUHAF, representing self, Fairbanks, Alaska, stated support for SB 223 with the amendments previously discussed. She relayed that she is a health care professional and a privacy rights advocate. What she sees in the bill is that the information that is necessary to ensure health and enforcement is already collected, but it doesn't belong in the public domain. That is why she supports the bill.

[4:00:09 PM](#)

CHAIR REVAK closed public testimony on SB 223.

[4:00:27 PM](#)

SENATOR KIEHL asked which inspection reports for animals and food stuffs are subject to public disclosure and which are confidential. He mentioned Paralytic Shellfish Poison (PSP) testing for commercial shellfish, restaurant inspections, and diary inspections.

[4:01:08 PM](#)

CHRISTINA CARPENTER, Director, Division of Environmental Health (DEH), Department of Environmental Conservation, Anchorage, Alaska, advised that the division houses the state veterinarian, the food safety and sanitation program, and the drinking water program. Those records currently are subject to public disclosure and DEH publishes restaurant inspections and drinking water results for public water systems online. HB 223 would take a very limited scope of the records the state veterinarian's office maintains and shield the personally identifying information.

[4:02:16 PM](#)

SENATOR KIEHL asked when and for what purpose these inspections are done. He recalled that restaurants are inspected on a regular schedule and said he knows that commercial shellfish farmers test all product before it goes to market. He asked how frequently and the purpose of the agriculture testing that's addressed in the bill.

MS. CARPENTER answered that the bill is designed to encourage surveillance testing so DEH is able to understand what pathogens

currently are in domestic livestock. The testing generally is not done on a specific frequency, but the division does have a voluntary chronic wasting disease surveillance program for reindeer herders in Alaska. Regular testing provides a baseline so the response can be timelier if disease is found.

SENATOR KIEHL said he was trying to tease out why these records need to be confidential while others remain public.

[4:04:48 PM](#)

SENATOR MICCICHE asked if any of the diseases that are tested for are transmissible to humans.

MS. CARPENTER answered yes. Rabies, for example, is a disease that is transmissible between humans and animals. The Alaska Department of Fish and Game (ADF&G) has a surveillance program for wildlife and DEH has programs to test domestic animals. In the event of a disease outbreak, all the state and local government agencies can respond.

[4:05:51 PM](#)

SENATOR MICCICHE asked if DEH tests for any diseases that are transmissible to humans through meat products.

MS. CARPENTER answered yes, but she would have to follow up with the details because the state veterinarian wasn't online.

[4:06:55 PM](#)

SENATOR MICCICHE asked if someone who sells livestock could provide testing information to a buyer if they chose to do so.

MS. CARPENTER answered that is correct.

[4:07:39 PM](#)

CHAIR REVAK asked her to confirm that SB 223 does not hinder DEC's ability to respond to a disease outbreak. It proposes to keep the unique identifying information about animals and owners confidential.

MS. CARPENTER answered that the bill would not hinder the department in any way. The intention of limiting the release of personal identifying information is to encourage testing and facilitate a timelier response in the event that a pathogen or disease outbreak is identified.

[4:09:19 PM](#)

CHAIR REVAK recapped that livestock owners are less likely to have their animals tested if they know that their names and the disease found in their herd is public information. The confidentiality proposed in SB 223 could actually help public safety.

MS. CARPENTER answered that is correct.

CHAIR REVAK asked if this would hinder public safety in any way.

MS. CARPENTER answered no.

[4:10:20 PM](#)

CHAIR REVAK held SB 223 in committee.

[4:10:43 PM](#)

There being no further business to come before the committee, Chair Revak adjourned the Senate Resources Standing Committee meeting at 4:10 p.m.