

SENATE No. 376

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to farm protection..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The Commonwealth of Massachusetts finds the following:

2 (A) This Commonwealth has entered into agreements with the federal government of the
3 United States, and otherwise may have participated in establishing a National Animal
4 Identification System (hereinafter “NAIS”).

5 (B) Neither the United States Department of Agriculture nor the Massachusetts
6 Department of Agricultural Resources (hereinafter “MDAR”) has demonstrated any scientific
7 findings that the NAIS will prevent the spread of diseases of animal origin to humans or to other
8 animals, or will benefit animal or public health.

9 (C) Sustainable animal husbandry practices, which include adequate space, appropriate
10 feed, and access to pasture, fresh air and sunlight are important in promoting animal health and
11 thus preventing the spread of diseases of animal origin.

12 (D) The establishment of NAIS is detrimental to small and sustainable animal husbandry
13 farming operations, individual ownership and raising of livestock, and the citizens of this State.

14 Section 1: Cooperative Agreement Termination

15 MDAR shall withdraw any pending application for USDA NAIS Cooperative Agreement
16 funding for FY 2007; or, in the event that the USDA already has granted funding and a
17 Cooperative Agreement for FY 2007 already has been executed, MDAR shall return any FY
18 2007 funding to the USDA and rescind any existing Cooperative Agreement for FY 2007.

19 Section 2: Citizens Data Upload Termination

20 MDAR shall immediately cease sending data on the Commonwealth's citizens and
21 animal premises to the USDA National Premises Information Repository.

22 Section 3: Notification and Data Removal

23 MDAR shall: (a) immediately notify all citizens whose premises information previously
24 has been submitted to the USDA National Premises Information Repository without their
25 specific authorization; and (b) develop a procedure with the USDA whereby such Massachusetts
26 data will be expunged from the USDA National Premises Information Repository.

27 Section 4: Official animal identification programs prohibited; exceptions.

28 (A) Except as provided in subsection (B), unless specifically authorized by law, the
29 MDAR shall not establish or participate in:

30 (1) Any program of livestock animal identification;

31 (2) Any program of registration of premises on which livestock is held.

32 (B) Subsection A does not apply to any program for the control of the following
33 diseases, to the extent of the Commonwealth's participation in the program on the effective date
34 of this section:

35 (1) Tuberculosis;

36 (2) Brucellosis;

37 (3) Johnnes' Disease;

38 (4) Pseudorabies;

39 (5) Equine Infectious Anemia;

40 (6) Transmissible spongiform encephalopathy's (TSE's), including Bovine Spongiform
41 Encephalopathy, Scrapie, and Chronic Wasting Disease.

42 Section 5: Protection Against Discrimination

43 No person or government entity may condition a service, benefit, license, payment, or
44 permit on participation in the NAIS or any substantially similar federal, state, or private program.