

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 104

(Chairman, Environmental Matters Committee)
(By Request – Departmental – Agriculture)

Environmental Matters

Education, Health, and Environmental Affairs

Secretary of Agriculture - Animal Health - Reports

This departmental bill requires the Secretary of Agriculture to maintain all animal health diagnostic or analytical reports and reports filed under an animal health program established by the Secretary in a manner that protects the identity of the animal owner. This requirement would not, however, prevent the Secretary, after consulting with the Secretary of Health and Mental Hygiene, from disclosing specified identifying information if necessary to protect the public health or prevent the spread of infectious or contagious animal diseases.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

Local Effect: None.

Small Business Effect: The Maryland Department of Agriculture (MDA) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. The attached assessment does not reflect amendments to the bill.

Analysis

Current Law/Background: The Secretary of Agriculture is responsible for protecting the health of the State's domestic animals from infectious and contagious diseases. Animal industries make up a large portion of the State's \$1 billion agriculture industry.

Animal diseases can adversely affect the involved businesses and the agriculture industry as a whole.

According to MDA, the ability to conduct an effective animal disease control program is dependent upon the cooperation of individual animal owners. Information provided by animal owners can be of great importance to MDA in preparing emergency response plans, detecting the presence of animal diseases, controlling the spread of disease, and evaluating the need to take additional measures to protect the State's animals.

During a 2004 avian influenza outbreak, MDA determined that it could not refuse a request for information under the Public Information Act for the locations of the affected farms. However, MDA believes that disclosing such information reduce or discourage the cooperation of animal owners in the future. Lack of cooperation could be detrimental to dealing with and controlling future outbreaks of infectious disease.

Animal owners and veterinary practitioners voluntarily use MDA animal health laboratories to detect and diagnose disease. It is believed that failing to keep records and results confidential could discourage the use of these laboratories which could in turn diminish MDA's ability to monitor the health of the State's animals.

A new initiative by the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) is also increasing the need for confidential animal health records. In response to heightened concerns of bioterrorism against the nation's animal industries, APHIS is developing an animal identification program which would allow for the tracking of potentially infected animals. State animal health programs will be responsible for collecting data and eventually animal owners will have to participate in the program if they ship animals across state lines.

MDA is also developing regulations requiring poultry owners to provide specified information to the department as a result of the avian influenza outbreak. MDA believes that this information should be kept confidential in order to ensure cooperation with owners.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2005
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