

**SENATE . . . . . No. 376**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mr. Brewer**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to farm protection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mr. Brewer	Worcester, Hampden, Hampshire and Franklin
Ellen Story	3rd Hampshire
Todd M. Smola	1st Hampden
Anne M. Gobi	5th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00475 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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

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

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

13 (D) The establishment of NAIS is detrimental to small and sustainable animal husbandry farming  
14 operations, individual ownership and raising of livestock, and the citizens of this State.  
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#### 16 **Section 1: Cooperative Agreement Termination**

17 MDAR shall withdraw any pending application for USDA NAIS Cooperative Agreement  
18 funding for FY 2007; or, in the event that the USDA already has granted funding and a  
19 Cooperative Agreement for FY 2007 already has been executed, MDAR shall return any FY  
20 2007 funding to the USDA and rescind any existing Cooperative Agreement for FY 2007.

21 **Section 2: Citizens Data Upload Termination**

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

24 **Section 3: Notification and Data Removal**

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

29 **Section 4: Official animal identification programs prohibited; exceptions.**

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

32 (1) Any program of livestock animal identification;

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

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

36 (1) Tuberculosis;

37 (2) Brucellosis;

38 (3) Johnnes' Disease;

39 (4) Pseudorabies;

40 (5) Equine Infectious Anemia;

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

43 **Section 5: Protection Against Discrimination**

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