

HB 438 - AS INTRODUCED

2021 SESSION

21-0686

08/05

HOUSE BILL                    **438**

AN ACT                    relative to the confidentiality of animal records databases.

SPONSORS:            Rep. Comtois, Belk. 7; Rep. Silber, Belk. 2; Rep. Verville, Rock. 2

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill makes provisions for the confidentiality of records made by the department of agriculture, markets, and food into any database relative to animal health certificates.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                    relative to the confidentiality of animal records databases.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Section; Confidentiality. Amend RSA 437 by inserting after section 8 the following new  
2 section:

3            437:8-a Confidentiality.

4            I. Information contained in any database created by the department in order to track health  
5 certificate information, information obtained from it, and information contained in the records of  
6 requests for information from the database, shall be confidential, and shall not be a public record or  
7 otherwise subject to disclosure under RSA 91-A, and shall not be subject to discovery, subpoena, or  
8 other means of legal compulsion for release. Such information shall not be shared with an agency or  
9 institution, except as provided in this section.

10           II. The department shall establish and maintain procedures to ensure the privacy and  
11 confidentiality of animal and animal owner information.

12           III. The department may use and release information and reports from the program for  
13 program analysis and evaluation, statistical analysis, public research, public policy, and educational  
14 purposes, provided that the data are aggregated or otherwise de-identified.

15           IV. No database records, information, or lists shall be sold, rented, transferred, or otherwise  
16 made available in whole or in part, in any form or format, directly or indirectly, to another person.

17           V. Database records, information, or lists may be made available pursuant to a court order  
18 on a case-by-case basis. In a case of potential rabies exposure, rabies vaccination information may  
19 be made available in response to a request from the state, a political subdivision of the state, the  
20 federal government, or a law enforcement agency solely for use in official business. Any information,  
21 record, or list received pursuant to this paragraph shall not be transferred or otherwise made  
22 available to any other person or listed entity not authorized under this paragraph.

23           VI. Any person who knowingly accesses, alters, destroys, or discloses program information  
24 except as authorized in this section or attempts to obtain such information by fraud, deceit,  
25 misrepresentation, or subterfuge shall be guilty of a class B felony.

26           2 Effective Date. This act shall take effect January 1, 2022.