

SECOND REGULAR SESSION

SENATE BILL NO. 928

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time January 19, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4764S.01I

AN ACT

To amend chapter 261, RSMo, by adding thereto one new section relating to privacy protections for certain agricultural entities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 261, RSMo, is amended by adding thereto one new section, to be known as section 261.130, to read as follows:

261.130. 1. For purposes of this section, the following terms shall mean:

(1) "Agent", a duly authorized representative of the Missouri department of agriculture or the Missouri department of natural resources;

(2) "Agricultural land", the same as defined in section 350.010;

(3) "Agricultural operation", any sole proprietorship, partnership, corporation, cooperative, or other business entity which derives income from farming;

(4) "Disclose", to publish or otherwise share with or release to individuals, business entities, political subdivisions, media outlets, or other entities;

(5) "Farming", the same as defined in section 350.010;

(6) "Personal information", data which is linked to a specific individual including, but not limited to, social security numbers, telephone numbers, and addresses.

2. Information or data in either paper or electronic form collected from, provided by, or otherwise maintained on an agricultural producer or owner of agricultural land related to a farmer's personal information, their agricultural operation, farming or conservation practices, environmental or production data, details on assets of their

22 farm, or the land itself and any geospatial information maintained by
23 the Missouri department of agriculture or by the Missouri department
24 of natural resources based on agricultural land or operations where a
25 farmer's agricultural operation, farming or conservation practices,
26 environmental or production data, details on assets of their farm, or
27 the land itself is depicted or identified shall not be considered a public
28 record and shall not be subject to disclosure under chapter
29 610. Further, such information shall not be disclosed to agents of the
30 department of agriculture or the department of natural resources
31 unless such disclosure complies with subsection 3 of this section.

32 3. The department of agriculture and the department of natural
33 resources may disclose the information or data described in subsection
34 2 of this section to agents only if:

35 (1) Such information or data will not be subsequently disclosed
36 beyond such agent except in accordance with subsection 4 of this
37 section;

38 (2) Such agent is providing technical or financial assistance with
39 respect to the agricultural operation, agricultural land, or farming or
40 conservation practices, and so long as there is a written agreement in
41 place between the parties certifying adherence to this section;

42 (3) Such agent is responding to an agricultural disease or pest
43 threat or other related emergency impacting agricultural operations,
44 if the director of the department of agriculture and the director of the
45 department of natural resources both determine that a threat to
46 agricultural operations exists and the disclosure of information to a
47 person or cooperating government entity is necessary to assist such
48 departments in responding to the disease or pest threat or emergency.

49 4. Nothing in this section shall prevent:

50 (1) The disclosure of information described in subsection 2 of
51 this section if such information has been transformed into a statistical
52 or aggregate form that prevents the information from directly or
53 indirectly naming or identifying any individual owner, operator,
54 producer, or operation or a specific data gathering site;

55 (2) The disclosure of information described in subsection 2 of
56 this section pursuant to the expressed written consent of both the
57 agriculture producer and owner of agriculture land; or

58 (3) The disclosure of information or data required by law as a

59 condition of compliance with any of the departments' regulatory
60 functions.

61 5. The participation of an agricultural producer or owner of
62 agricultural land in, or receipt of any benefit under, any program
63 administered by the department of agriculture or the department of
64 natural resources shall not be conditioned on the consent of the
65 agricultural producer or owner of agricultural land under subdivision
66 (2) of subsection 4 of this section.

Unofficial ✓

Bill

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