**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 48 TO TITLE 46 SO AS TO ENACT THE “NO CHIPPIN’ CHICKENS ACT” TO PROHIBIT THE STATE FROM REQUIRING ANY FARMER, FARMER’S MARKET, LIVESTOCK AUCTION BARN, SLAUGHTERHOUSE, OR VETERINARIAN TO PARTICIPATE IN ANY STATE OR FEDERAL SYSTEM THAT ASSIGNS A CODE TO IDENTIFY THE LOCATION OF A FARM OR ANY ANIMAL IDENTIFICATION SYSTEM THAT ATTACHES OR EMBEDS A MICROCHIP TAG OR OTHER DEVICE TO AN ANIMAL AND WHICH HAS THE CAPABILITY OF RADIO FREQUENCY IDENTIFICATION AT ANY DISTANCE; TO PROVIDE THAT THE STATE MUST NOT ESTABLISH A DATABASE OF FARMS THAT LINKS WITH OTHER STATE FARM DATABASES AND TO PROHIBIT SUCH FARM INFORMATION FROM BEING ACCESSIBLE TO ANY NATIONAL ANIMAL IDENTIFICATION SYSTEM OR OTHER SUCH SYSTEMS; TO VOID ANY PREVIOUS AGREEMENT BETWEEN THE STATE AND ANY OTHER STATE OR FEDERAL AGENCY CONCERNING ANIMAL IDENTIFICATION OR FARM PROPERTY REGISTRATION; AND TO PROHIBIT THE STATE FROM PARTICIPATING IN ANY FEDERAL OR INTERNATIONAL LAW THAT WOULD COMPROMISE THE PRIVACY OF FARMING PRACTICES IN THIS STATE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 46 of the 1976 Code is amended by adding:

“CHAPTER 48

Farm and Animal Identification Prohibited

Section 46‑48‑10. This chapter may be cited as the ‘No Chippin’ Chickens Act’.

Section 46‑48‑20. When used in this chapter:

(1) ‘Backyard gardener’ means a private individual who raises animals, fruits, and vegetables or other food for sale, trade, barter, charity or personal consumption.

(2) ‘Family farm’ means a farm owned, rented, or leased and subsequently operated by a family.

(3) ‘Farm’ means to carry on the activities of a farm or ranch.

(4) ‘Farmer’s market’ means a business where farmers and other food producers market, sell, barter, or trade their products to customers.

(5) ‘Gentleman farmer’ means a private person who farms for pleasure rather than for profit.

(6) ‘Livestock auction barn’ means a property open to people where livestock, produce, or other items are sold to the highest bidder.

(7) ‘NAIS’ means the National Animal Identification System under development by the United States Department of Agriculture (USDA) and corporate interests with the inherent intent to implement control, tracking, and enforcement of farm production resources.

(8) ‘Premise ID’ means a system, whether instigated at the state or federal political level, which assigns a nationally unique alphanumeric code to identify the physical location of a farm or related venture.

(9) ‘Private’ means anything not publically owned or held. For purposes of this chapter, ‘private’ does not include corporations or their holdings, regardless of the designations or quantity of stock shares, or number of shareholders.

(10) ‘Private farmer’ means a natural person, family, or other private group who owns, rents, or leases land or water used for, but not limited to, raising of animals, fish, plants, or other food production, for sale, barter, or trade for personal or group use anywhere.

(11) ‘Radio Frequency Identification (RFID) Tag or Electronic Identification Tag (EID)’ means a microchip tag or other device that contains information about the item that is either attached to or embedded in the tag or the animal itself, and has the capability of radio frequency identification at any distance.

(12) ‘Slaughterhouse’ means a facility where animals are butchered, processed, or otherwise prepared for consumption and may be stored for a length of time before or after sale.

(13) ‘Tracking’ means the ability of government or corporate entities and or private industry or individuals to monitor animal movement and maintain the data in an animal tracking databases (ATDs), including, but not limited to NAIS.

Section 46‑48‑30. (A) Neither the Governor or the Department of Agriculture or any other social, corporate, or government agency of this State shall require any person, gentleman farmer, private farmer, family farmer, backyard gardener, farmer’s market, private livestock auction barn, private slaughterhouse or veterinarian, to participate in premise ID, animal identification, tagging, or tracking of their animals, or be compelled to participate with any provision of a state or national animal identification system.

(B) This State, including any social, corporate, or government agency of the State, must not establish a database or registry of farms, premises, or private property that include farming‑related activities, or in any manner participate in the linking of computer data systems by or between this and other states, the federal government, or other nations, that contain information about the farms of this State, and any such data collected about the farms of this State must not be accessible to or incorporated within any national animal identification system or other like programs pertaining to food production resources. No data pertaining to the farms of this State may be stored on computers or other facilities located off‑shore or outside this State or its jurisdiction.

(C) This prohibition also includes any component of these systems including, but not limited to:

(1) premise ID, as defined in National Animal Identification System Users Guide published by the United States Department of Agriculture;

(2) animal chipping, which is the subcutaneous insertion of identification or satellite or other tracking device, or required permanent tagging;

(3) animal or plant movement, permitting, licensing, reporting, or tracking records or data;

(4) computer databases or records kept for tracking purposes;

(5) any such system or component of such system or program that forces or compels participation in any program, or causes social, economic, or other consequences for any person not participating in these programs.

Section 46‑48‑40. (A) Any agreements previously entered into by this State or any executive or regulatory agency of the State with any other state, the federal government, or other nations concerning the NAIS, animal identification, or registration of property and premises holding livestock or plants are hereby void. Any NAIS databases under the control of the State must be dismantled before October 1, 2010, and the data contained in these databases must not be in any way stored, retrieved, or transferred to any other party, whether public or private.

(B) Neither the Governor nor the Department of Agriculture or any other State agency shall participate in the compliance with any federal or international law, regulation, or policy that would compromise the privacy or farming practices of any individual or farmer, livestock auction barns or slaughterhouses, private farmer’s market, or any other private agricultural activity within this State.

Section 46‑48‑50. (A) Nothing in this chapter may be construed to prohibit the South Carolina Department of Agriculture from researching, providing education opportunities about, and combating animal or plant disease outbreaks within constitutional guidelines. Nothing in this chapter prohibits private agreements between private parties to arrange any voluntary animal identification program, except that any such program is subject to the following:

(1) The private system must provide for full and informed consent of all participants, including:

(a) disclosure of the entire private system;

(b) the possible uses of information collected; and

(c) the entity or persons to whom information may be disclosed.

(2) Any person that voluntarily enrolls in a private system must be allowed to withdraw at any time, and all personal information must be permanently removed from any and all interconnected and or related databases.”

SECTION 2. This act takes effect July 1, 2010.

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