

By: Lucio, et al.
(Cyrier)

S.B. No. 705

Substitute the following for S.B. No. 705:

By: Burns

C.S.S.B. No. 705

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Animal Health Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.004(a), Agriculture Code, is amended to read as follows:

(a) A person who is the owner or caretaker of livestock, exotic livestock, domestic fowl, or exotic fowl that die from a disease listed by the commission in rules adopted under [in] Section 161.041, or who owns or controls the land on which the livestock, exotic livestock, domestic fowl, or exotic fowl die or on which the carcasses are found, shall dispose of the carcasses in the manner required by the commission under this section.

SECTION 2. Section 161.023, Agriculture Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section [~~Before a member of the commission may assume the member's duties and before the member may be confirmed by the senate, the member must complete at least one course of the training program established under this section~~].

1 (b) The [A] training program must [~~established under this~~
2 ~~section shall~~] provide the person with information [~~to the member~~]
3 regarding:

4 (1) the law governing [~~enabling legislation that~~
5 ~~created the~~] commission operations;

6 (2) the programs, functions, rules, and budget of
7 [~~operated by~~] the commission;

8 (3) the scope of and limitations on the rulemaking
9 authority [~~role and functions~~] of the commission;

10 (4) [~~the rules of the commission with an emphasis on~~
11 ~~the rules that relate to disciplinary and investigatory authority,~~

12 [~~(5) the current budget for the commission,~~

13 [~~(6)~~] the results of the most recent formal audit of the
14 commission;

15 (5) [(7)] the requirements of [~~the~~]:

16 (A) laws relating to open meetings, public
17 information, administrative procedure, and disclosing conflicts of
18 interest [~~law, Chapter 551, Government Code~~]; and

19 (B) other laws applicable to members of a state
20 policy-making body in performing their duties [~~open records law,~~
21 ~~Chapter 552, Government Code~~]; and

22 [~~(C) administrative procedure law, Chapter 2001,~~
23 ~~Government Code,~~

24 [~~(8) the requirements of the conflict of interest laws~~
25 ~~and other laws relating to public officials, and]~~

26 (6) [(9)] any applicable ethics policies adopted by
27 the commission or the Texas Ethics Commission.

1 (d) The executive director of the commission shall create a
2 training manual that includes the information required by
3 Subsection (b). The executive director shall distribute a copy of
4 the training manual annually to each member of the commission. Each
5 member of the commission shall sign and submit to the executive
6 director a statement acknowledging that the member received and has
7 reviewed the training manual.

8 SECTION 3. Section 161.027, Agriculture Code, is amended to
9 read as follows:

10 Sec. 161.027. SUNSET PROVISION. The Texas Animal Health
11 Commission is subject to Chapter 325, Government Code (Texas Sunset
12 Act). Unless continued in existence as provided by that chapter,
13 the commission is abolished September 1, 2033 [~~2021~~].

14 SECTION 4. Section 161.029(a), Agriculture Code, is amended
15 to read as follows:

16 (a) It is a ground for removal from the commission if a
17 member:

18 (1) does not have at the time of taking office
19 [~~appointment~~] the qualifications required by Section 161.021;

20 (2) does not maintain during service on the commission
21 the qualifications required by Section 161.021;

22 (3) is ineligible for membership under Section
23 161.021(d) or 161.028;

24 (4) cannot, because of illness or disability,
25 discharge the member's duties for a substantial part of the member's
26 term [~~for which the member is appointed because of illness or~~
27 ~~disability~~]; or

1 (5) is absent from more than half of the regularly
2 scheduled commission meetings that the member is eligible to attend
3 during a calendar year without an excuse approved [~~unless that~~
4 ~~absence is excused~~] by a majority vote of the commission.

5 SECTION 5. Section 161.033(c), Agriculture Code, is amended
6 to read as follows:

7 (c) The commission shall periodically notify the complaint
8 parties [~~to a complaint~~] of the status of the complaint until [~~its~~]
9 final disposition unless the notice would jeopardize an
10 investigation.

11 SECTION 6. Sections 161.035(a) and (b), Agriculture Code,
12 are amended to read as follows:

13 (a) The commission by rule may establish advisory
14 committees [~~as it considers necessary~~] to make recommendations to
15 the commission on programs, [~~assist it in developing proposed~~]
16 rules, and policies administered by the commission [~~for the~~
17 ~~regulation of exotic livestock and exotic fowl~~].

18 (b) In establishing [~~A member of~~] an advisory committee
19 [~~established~~] under this section, the commission shall adopt rules,
20 including rules regarding:

21 (1) the purpose, role, responsibility, goals, and
22 duration of the committee;

23 (2) the size of and quorum requirement for the
24 committee;

25 (3) qualifications for committee membership;

26 (4) appointment procedures for members;

27 (5) terms of service for members;

- 1 (6) training requirements for members;
- 2 (7) policies to avoid conflicts of interest by
3 members;
- 4 (8) a periodic review process to evaluate the
5 continuing need for the committee; and
- 6 (9) policies to ensure the committee does not violate
7 any provision of Chapter 551, Government Code, applicable to the
8 commission or the committee [~~serves at the pleasure of the~~
9 ~~commission~~].

10 SECTION 7. Subchapter B, Chapter 161, Agriculture Code, is
11 amended by adding Section 161.0375 to read as follows:

12 Sec. 161.0375. PERIODIC REVIEW OF COMPLIANCE INFORMATION.

13 (a) The commission shall analyze, on a statewide and regional
14 basis, violations of this subtitle. The commission shall consider:

- 15 (1) violation types and disposition;
- 16 (2) persons who are repeat offenders; and
- 17 (3) persons who commit the most serious offenses.

18 (b) The commission shall use the analysis under Subsection
19 (a) to compare enforcement practices across each region and
20 determine:

- 21 (1) training needs;
- 22 (2) gaps in enforcement authority; and
- 23 (3) effective enforcement activities.

24 (c) The commission shall conduct the analysis under
25 Subsection (a) on a periodic basis to ensure that the information
26 reflects current enforcement practices.

27 (d) The commission shall timely enter and share compliance

1 and enforcement information on a statewide and regional basis.

2 SECTION 8. Sections 161.041(a), (c), and (d), Agriculture
3 Code, are amended to read as follows:

4 (a) The commission shall protect all livestock, exotic
5 livestock, domestic fowl, and exotic fowl from diseases the
6 commission determines require control or eradication. The
7 commission shall adopt and periodically update rules listing the
8 diseases that require control or eradication by the commission.
9 Section 2001.0045, Government Code, does not apply to rules adopted
10 under this subsection [the following].

- 11 [~~(1) tuberculosis,~~
- 12 [~~(2) anthrax,~~
- 13 [~~(3) glanders,~~
- 14 [~~(4) infectious abortion,~~
- 15 [~~(5) hemorrhagic septicemia,~~
- 16 [~~(6) hog cholera,~~
- 17 [~~(7) Malta fever,~~
- 18 [~~(8) foot-and-mouth disease,~~
- 19 [~~(9) rabies among animals other than canines,~~
- 20 [~~(10) bacillary white diarrhea among fowl,~~
- 21 [~~(11) equine infectious anemia, and~~
- 22 [~~(12) other diseases recognized as communicable by the~~
23 ~~veterinary profession].~~

24 (c) A person commits an offense if the person knowingly
25 fails to handle, in accordance with rules adopted by the
26 commission, livestock, exotic livestock, domestic fowl, or exotic
27 fowl:

1 (1) infected with a disease listed by the commission
2 by rule under [~~in~~] Subsection (a);

3 (2) exposed, as defined by commission rule, to a
4 disease listed by the commission by rule under [~~in~~] Subsection (a)
5 if the commission has notified the person that the animal was
6 exposed to the disease; or

7 (3) subject to a testing requirement due to a risk of
8 exposure, as defined by commission rule, to a specific disease if
9 the commission has notified the person of the testing requirement.

10 (d) A person commits an offense if the person knowingly
11 fails to identify or refuses to permit an agent of the commission to
12 identify, in accordance with rules adopted by the commission,
13 livestock, exotic livestock, domestic fowl, or exotic fowl infected
14 with a disease listed by the commission by rule under [~~in~~]
15 Subsection (a).

16 SECTION 9. Section [161.0415](#)(a), Agriculture Code, is
17 amended to read as follows:

18 (a) The commission by order may require the slaughter of
19 livestock, domestic fowl, or exotic fowl, under the direction of
20 the commission, or the sale of livestock, domestic fowl, or exotic
21 fowl for immediate slaughter at a public slaughtering establishment
22 maintaining federal or state inspection if the livestock, domestic
23 fowl, or exotic fowl is exposed to or infected with a disease other
24 than bluetongue or vesicular stomatitis that:

25 (1) is recognized by the United States Department of
26 Agriculture as:

27 (A) a foreign animal disease; or

- 1 (B) a reportable animal disease;
2 (2) is the subject of a cooperative eradication
3 program with the United States Department of Agriculture;
4 (3) is an animal disease reportable to the World
5 Organisation for Animal Health [~~named on "List A" of the Office~~
6 ~~International Des Epizooties~~]; or
7 (4) is the subject of a state of emergency, as declared
8 by the governor.

9 SECTION 10. Subchapter C, Chapter 161, Agriculture Code, is
10 amended by adding Section 161.0603 to read as follows:

11 Sec. 161.0603. LABORATORY TESTING. (a) The Texas A&M
12 Veterinary Medical Diagnostic Laboratory is the state's regulatory
13 animal health laboratory.

14 (b) This section does not prevent the commission from:

15 (1) using a laboratory other than the Texas A&M
16 Veterinary Medical Diagnostic Laboratory for a test as needed; or

17 (2) collecting specimens and performing field tests to
18 diagnose animal diseases.

19 (c) The commission and the Texas A&M Veterinary Medical
20 Diagnostic Laboratory shall enter into a memorandum of
21 understanding to:

22 (1) establish the laboratory services to be performed
23 by the Texas A&M Veterinary Medical Diagnostic Laboratory;

24 (2) provide reporting requirements for the Texas A&M
25 Veterinary Medical Diagnostic Laboratory on all test requests
26 received from the commission; and

27 (3) set fees associated with laboratory services

1 performed for the commission in amounts sufficient to recover the
2 costs of those services.

3 (d) The commission and the Texas A&M Veterinary Medical
4 Diagnostic Laboratory shall annually review the memorandum of
5 understanding under Subsection (c).

6 SECTION 11. Section 161.061, Agriculture Code, is amended
7 to read as follows:

8 Sec. 161.061. ESTABLISHMENT. (a) The [~~If the~~] commission
9 may [~~determines or is informed that a disease listed in Section~~
10 ~~161.041 of this code exists in another state, territory, or~~
11 ~~country, the commission shall~~] establish a quarantine against all
12 or the portion of a a [~~the~~] state, territory, or country in which a a
13 [~~the~~] disease listed in rules adopted under Section 161.041 exists.

14 (b) A [~~If the commission determines that a disease listed in~~
15 ~~Section 161.041 of this code or an agency of transmission of one of~~
16 ~~those diseases exists in a place in this state or among livestock,~~
17 ~~exotic livestock, domestic animals, domestic fowl, or exotic fowl,~~
18 ~~or that a place in this state or livestock, exotic livestock,~~
19 ~~domestic animals, domestic fowl, or exotic fowl are exposed to one~~
20 ~~of those diseases or an agency of transmission of one of those~~
21 ~~diseases, the commission shall establish a quarantine on the~~
22 ~~affected animals or on the affected place. The~~] quarantine
23 established under Subsection (a) [~~of an affected place~~] may extend
24 to any affected area, including a county, district, pasture, lot,
25 ranch, farm, field, range, thoroughfare, building, stable, or
26 stockyard pen.

27 (c) The commission may establish a quarantine to prohibit or

1 regulate the movement of:

2 (1) any article or animal that the commission
3 designates to be a carrier of a disease listed in rules adopted
4 under [~~in~~] Section 161.041 [~~of this code~~] or a potential carrier of
5 one of those diseases, if movement is not otherwise regulated or
6 prohibited; and

7 (2) an animal into an affected area, including a
8 county district, pasture, lot, ranch, farm, field, range,
9 thoroughfare, building, stable, or stockyard pen.

10 (d) The commission by rule may delegate its authority to
11 establish a quarantine under this section to the executive
12 director, who shall promptly notify the members of the commission
13 when a quarantine is established.

14 SECTION 12. Section 161.065(c), Agriculture Code, is
15 amended to read as follows:

16 (c) If the commission finds animals that have been moved in
17 violation of a quarantine established under this chapter or in
18 violation of any other livestock sanitary law, the commission shall
19 quarantine the animals until they have been properly treated,
20 vaccinated, tested, [~~dipped~~] or disposed of in accordance with the
21 rules of the commission.

22 SECTION 13. Sections 161.101(a), (b), and (c), Agriculture
23 Code, are amended to read as follows:

24 (a) A veterinarian, a veterinary diagnostic laboratory, or
25 a person having care, custody, or control of an animal shall report
26 to the commission the existence of [~~the following~~] diseases listed
27 in rules adopted by the commission among livestock, exotic

1 livestock, bison, domestic fowl, or exotic fowl [~~to the commission~~]
2 within 24 hours after diagnosis of the disease. The commission
3 shall adopt and periodically update rules listing the diseases that
4 the commission determines require reporting under this section.
5 Section 2001.0045, Government Code, does not apply to rules adopted
6 under this subsection[+]

- 7 ~~[(1) anthrax,~~
- 8 ~~[(2) avian infectious laryngotracheitis,~~
- 9 ~~[(3) avian influenza,~~
- 10 ~~[(4) avian tuberculosis,~~
- 11 ~~[(5) bovine trichomoniasis,~~
- 12 ~~[(6) chronic wasting disease,~~
- 13 ~~[(7) duck virus enteritis,~~
- 14 ~~[(8) duck virus hepatitis,~~
- 15 ~~[(9) equine encephalomyelitis,~~
- 16 ~~[(10) equine herpes virus-1,~~
- 17 ~~[(11) equine infectious anemia,~~
- 18 ~~[(12) equine viral arteritis,~~
- 19 ~~[(13) infectious encephalomyelitis in poultry or~~
20 ~~other fowl,~~
- 21 ~~[(14) ornithosis,~~
- 22 ~~[(15) paramyxovirus infection in poultry or other~~
23 ~~fowl, or~~
- 24 ~~[(16) scabies in sheep or cattle].~~

25 (b) In addition to reporting required by Subsection (a), the
26 commission may adopt rules that require a veterinarian, a
27 veterinary diagnostic laboratory, or a person having care, custody,

1 or control of an animal to report the existence of a disease other
2 than bluetongue in an animal to the commission within 24 hours after
3 diagnosis if the disease:

4 (1) is recognized by the United States Department of
5 Agriculture as:

6 (A) a foreign animal disease; or

7 (B) a reportable animal disease;

8 (2) is the subject of a cooperative eradication
9 program with the United States Department of Agriculture;

10 (3) is an animal [a] disease reportable to the World
11 Organisation for Animal Health [~~Office International Des~~
12 ~~Epizooties~~]; or

13 (4) is the subject of a state of emergency, as declared
14 by the governor.

15 (c) The commission may adopt rules that require a
16 veterinarian, a veterinary diagnostic laboratory, or a person
17 having care, custody, or control of an animal to report a disease
18 not covered by Subsection (a) or (b) if the commission determines
19 that action to be necessary for the protection of animal health in
20 this state. The commission shall immediately deliver a copy of a
21 rule adopted under this subsection to the appropriate legislative
22 oversight committees. [~~A rule adopted by the commission under this~~
23 ~~subsection expires on the first day after the last day of the first~~
24 ~~regular legislative session that begins after adoption of the rule~~
25 ~~unless the rule is continued in effect by act of the legislature.]~~

26 SECTION 14. Section 161.112(a), Agriculture Code, is
27 amended to read as follows:

1 (a) Following notice and public hearing, the commission
2 shall adopt rules relating to the movement of livestock, exotic
3 livestock, and exotic fowl from livestock markets and shall require
4 tests, immunization, or treatment [~~and dipping of those livestock~~]
5 as necessary to protect against the spread of communicable
6 diseases.

7 SECTION 15. Section 161.113, Agriculture Code, is amended
8 to read as follows:

9 Sec. 161.113. TESTING, ~~[OR]~~ TREATMENT, OR VACCINATION OF
10 LIVESTOCK. (a) The [~~If the~~] commission shall adopt rules for
11 [~~requires~~] testing, treatment, or vaccination under this
12 subchapter [~~, the testing or vaccination must be performed by an~~
13 ~~accredited veterinarian or qualified person authorized by the~~
14 ~~commission~~]. The state may not be required to pay the cost of fees
15 charged for the testing, treatment, or vaccination.

16 (b) If the commission requires the dipping of livestock
17 under this subchapter, the livestock shall be [~~submerged in a vat,~~
18 ~~sprayed, or~~] treated in a [~~another sanitary~~] manner prescribed by
19 rule of the commission.

20 (c) The commission may require the owner or operator of a
21 livestock market to furnish adequate equipment or facilities
22 [~~chutes or holding pens or to furnish~~] or have access to [~~other~~]
23 essential equipment or [~~testing and dipping~~] facilities within the
24 immediate vicinity of the livestock market.

25 SECTION 16. Section 161.134, Agriculture Code, is amended
26 to read as follows:

27 Sec. 161.134. PROOF OF TREATMENT OR VACCINATION. In the

1 trial of any case involving the compliance of an owner or caretaker
2 with a provision of this chapter requiring the treatment or~~[7]~~
3 vaccination~~[, dipping, or disinfecting]~~ of livestock, a person may
4 not attempt to prove that the action was taken by a person other
5 than an authorized representative of the commission.

6 SECTION 17. Section 162.004(c), Agriculture Code, is
7 amended to read as follows:

8 (c) A certificate under this section must be:

9 (1) in a form prescribed by the commission; and

10 (2) [must be] sent to the commission within the time
11 prescribed by the commission by rule ~~[48 hours after completion of~~
12 ~~the test or vaccination]~~.

13 SECTION 18. Section 164.002(c), Agriculture Code, is
14 amended to read as follows:

15 (c) Cattle or sheep are not exposed to scabies under
16 Subsection (b) of this section if the place or plant has been
17 disinfected since the infected cattle or sheep were removed. This
18 subsection does not exempt the cattle or sheep from treatment
19 ~~[dipping]~~ required by this chapter.

20 SECTION 19. Section 164.004, Agriculture Code, is amended
21 to read as follows:

22 Sec. 164.004. DUTIES OF INSPECTORS. (a) All treatments
23 ~~[dippings]~~, inspections, and certifications for scabies
24 eradication and the disinfection of all equipment or facilities
25 ~~[cars, sheds, boats, chutes, alleys, platforms, pens, or yards]~~
26 required by this chapter shall be performed by or under the
27 supervision of an inspector.

1 (b) Local inspectors shall perform all duties necessary for
2 [~~to~~] the treatment, inspection, [~~dipping~~] and certification of
3 livestock under this chapter.

4 SECTION 20. Section 164.005(a), Agriculture Code, is
5 amended to read as follows:

6 (a) An inspector is entitled to enter any public or private
7 place where cattle or sheep are kept or ranged for the purpose of:

- 8 (1) ascertaining the presence of scabies infection;
9 (2) ascertaining any exposure to scabies; or
10 (3) inspecting, classifying, or treating [~~dipping~~]
11 cattle or sheep for scabies infection or exposure.

12 SECTION 21. The heading to Subchapter B, Chapter 164,
13 Agriculture Code, is amended to read as follows:

14 SUBCHAPTER B. TREATMENT [~~DIPPING~~]

15 SECTION 22. Section 164.021, Agriculture Code, is amended
16 to read as follows:

17 Sec. 164.021. TREATMENT [~~DIPPING~~] REQUIRED ON ORDER OF
18 COMMISSION. (a) The commission by written order may direct a
19 person who owns, controls, or cares for cattle or sheep that are
20 scabies-infected or are exposed to scabies, to treat [~~dip~~] any or
21 all of those animals for the purpose of destroying, eradicating,
22 curing, or removing a scabies infection or a source of exposure to
23 scabies.

24 (b) An order of the commission under this section must be
25 signed by the commission or the presiding officer of the commission
26 and must contain the following:

- 27 (1) the date of issuance;

1 (2) the name of the person to whom the order is made;

2 (3) the approximate location of the premises on which
3 the animals are located;

4 (4) the county in which the premises are located;

5 (5) a statement in clear and intelligible language
6 that the sheep or cattle that the person owns, controls, or cares
7 for are infected with or exposed to scabies;

8 (6) an order directing the person to treat [~~dip~~] the
9 animals, under the supervision of an inspector and in the manner
10 prescribed by the commission[, ~~in a dipping solution provided by~~
11 ~~this chapter or in a designated solution approved for that purpose~~
12 ~~by rule of the commission~~]; and

13 (7) a designation of the date, time, and place that the
14 treatment [~~dipping~~] is to occur.

15 (c) An order under this section must be delivered to the
16 person owning or controlling the cattle or sheep not later than the
17 14th day before the date and time for the treatment [~~dipping~~]
18 designated in the order.

19 SECTION 23. Sections 164.022(a), (d), and (e), Agriculture
20 Code, are amended to read as follows:

21 (a) Not later than the fifth day following the day on which a
22 person receives an order to treat [~~dip~~] cattle or sheep, the person
23 may file with the commission or the presiding officer of the
24 commission a written affidavit that:

25 (1) denies that the animals are subject to being
26 treated [~~dipped~~] under this chapter, or states that, for good and
27 sufficient reason set out in the affidavit, the person is entitled

1 to have the order rescinded or the treatment [~~dipping~~] postponed;
2 and

3 (2) requests that the commission withhold enforcement
4 of the order and grant a hearing on the matter or investigate the
5 matter as necessary to determine the correctness of the statement
6 contained in the affidavit.

7 (d) If the commission finds that the statement in the
8 affidavit is correct, the commission shall rescind the order or
9 postpone the treatment [~~dipping~~] until a time that the commission
10 considers proper. If the commission finds that the statement in the
11 affidavit is not correct, the commission shall enforce the order on
12 the date and at the time designated in the order.

13 (e) Following a hearing, the commission shall deliver its
14 written findings to the affiant not later than the fourth day before
15 the date and time that the order requires the animals to be treated
16 [~~dipped~~].

17 SECTION 24. Section 164.023, Agriculture Code, is amended
18 to read as follows:

19 Sec. 164.023. METHOD OF TREATMENT [~~DIPPING~~]. The
20 commission by rule shall prescribe the methods of treatment
21 available for the treatment of scabies [~~If the commission requires~~
22 ~~the dipping of animals~~] under this chapter[, ~~the animals shall be~~
23 ~~submerged in a vat, sprayed, or treated in another sanitary manner~~
24 ~~prescribed by the commission~~].

25 SECTION 25. Section 164.028, Agriculture Code, is amended
26 to read as follows:

27 Sec. 164.028. TREATMENT [~~DIPPING~~] AT EXPENSE OF COUNTY. If

1 a person ordered to treat [~~dip~~] cattle or sheep under this chapter
2 fails or refuses to treat [~~dip~~] the animals, the county
3 commissioners court shall:

4 (1) provide the necessary equipment and [~~vats, pens,~~
5 ~~other~~] facilities for the treatment of the animals;

6 (2) [~~, and materials, shall~~] have the animals treated
7 [~~dipped~~] in accordance with this chapter; [~~]~~ and

8 (3) [~~shall~~] pay the expenses of the treatment
9 [~~dipping~~] by warrant drawn on the general funds of the county.

10 SECTION 26. Section [164.041](#)(a), Agriculture Code, is
11 amended to read as follows:

12 (a) The [~~If the~~] commission may [~~determines or is informed~~
13 ~~that scabies exists among cattle in another state, territory, or~~
14 ~~country, the commission shall~~] establish a quarantine against all
15 or the portion of a [~~the~~] state, territory, or country in which the
16 commission determines scabies [~~the disease~~] exists. A [~~The~~]
17 quarantine established under this section is governed by Chapter
18 [161](#) [~~of this code~~], except that only a scabies inspector recognized
19 by the commission for that purpose in the quarantine notice may
20 issue certificates or permits for the movement of cattle subject to
21 the quarantine. A person who violates the quarantine is subject to
22 the penalties provided by Chapter 161 [~~that chapter~~].

23 SECTION 27. Section [164.044](#)(b), Agriculture Code, is
24 amended to read as follows:

25 (b) If the commission finds animals that have been moved in
26 violation of a quarantine established under this chapter, the
27 commission shall quarantine the animals until they have been

1 properly tested or treated [~~dipped~~] in accordance with the rules of
2 the commission.

3 SECTION 28. Section 164.062(a), Agriculture Code, is
4 amended to read as follows:

5 (a) A person may not import sheep into this state unless the
6 shipment is accompanied by a certificate certifying that:

7 (1) the sheep are free from scabies infection and
8 exposure; or

9 (2) the sheep have been treated by a method [~~dipped in~~
10 ~~a solution~~] recognized by the Animal and Plant Health Inspection
11 Service, United States Department of Agriculture, for eradication
12 of sheep scabies and in a manner designed to have eradicated
13 infection or exposure within 10 days prior to the date of
14 importation.

15 SECTION 29. Section 164.063, Agriculture Code, is amended
16 to read as follows:

17 Sec. 164.063. QUARANTINE OF IMPORTED SHEEP. If the
18 certificate for a shipment of sheep shows that the sheep were
19 treated [~~dipped~~] at the point of origin in accordance with Section
20 164.062(a)(2) [~~of this code~~], the sheep shall be quarantined at the
21 range on which the sheep are placed in this state for a period of 180
22 days.

23 SECTION 30. Section 164.064, Agriculture Code, is amended
24 to read as follows:

25 Sec. 164.064. DESIGNATION OF INFECTED OR FREE AREAS;
26 TREATMENT [~~DIPPING~~] REQUIREMENTS. The commission may adopt rules
27 designating areas as infected or free from infection and shall

1 establish treatment [~~dipping~~] requirements for the importation of
2 sheep into this state.

3 SECTION 31. Section 164.065, Agriculture Code, is amended
4 to read as follows:

5 Sec. 164.065. EXHIBITIONS. The commission shall provide an
6 importer of show sheep a reasonable length of time, not to exceed 60
7 days after the date of importation, in which to display the sheep at
8 county fairs or livestock exhibitions. The importer shall keep the
9 sheep separate from all sheep other than show sheep and shall treat
10 [~~dip~~] the sheep as required by the commission [~~at least once~~] before
11 they are distributed to the range.

12 SECTION 32. The heading to Section 164.083, Agriculture
13 Code, is amended to read as follows:

14 Sec. 164.083. FAILURE TO TREAT [~~DIP~~] FOR SCABIES.

15 SECTION 33. Section 164.083(a), Agriculture Code, is
16 amended to read as follows:

17 (a) A person commits an offense if the person:

18 (1) owns, controls, or cares for cattle or sheep
19 infected with scabies or cattle or sheep that have been exposed to
20 scabies infection within six months prior to the date of an order to
21 treat [~~dip~~] under Section 164.021 [~~of this code~~]; and

22 (2) fails or refuses to treat [~~dip~~] the sheep or cattle
23 at the time and in the manner provided by the order of the
24 commission.

25 SECTION 34. Section 164.085(a), Agriculture Code, is
26 amended to read as follows:

27 (a) A person commits an offense if the person:

1 (1) refuses to permit an inspector to enter any
2 premises of which the person is the owner, tenant, or caretaker for
3 the purpose of inspecting, classifying, or treating [~~dipping~~]
4 animals infected or exposed to scabies; or

5 (2) refuses to gather animals in accordance with
6 Section [164.005](#)(c) [~~of this code~~].

7 SECTION 35. Section [165.022](#), Agriculture Code, is amended
8 to read as follows:

9 Sec. 165.022. METHOD OF DISEASE ERADICATION. Following
10 notice and public hearing, the commission shall adopt rules for the
11 enforcement of this subchapter, including rules providing for the
12 manner, method, and system of eradicating swine diseases. The
13 commission may by a two-thirds vote adopt rules more stringent than
14 [~~may not exceed~~] the rules relating to minimum standards for
15 cooperative programs adopted by the Animal and Plant Health
16 Inspection Service of the United States Department of Agriculture.

17 SECTION 36. Section [28.03](#)(i), Penal Code, is amended to
18 read as follows:

19 (i) Notwithstanding Subsection (b), an offense under this
20 section is a felony of the first degree if the property is livestock
21 and the damage is caused by introducing bovine spongiform
22 encephalopathy, commonly known as mad cow disease, or a disease
23 listed in rules adopted [~~described~~] by the Texas Animal Health
24 Commission under Section [161.041](#)(a), Agriculture Code. In this
25 subsection, "livestock" has the meaning assigned by Section
26 [161.001](#), Agriculture Code.

27 SECTION 37. Sections [161.035](#)(c), [164.024](#), [164.025](#),

1 164.026, 164.027, 165.002, and 167.058, Agriculture Code, are
2 repealed.

3 SECTION 38. The changes in law made by this Act to Sections
4 161.041(c) and (d), 164.083(a), and 164.085(a), Agriculture Code,
5 and Section 28.03(i), Penal Code, apply only to an offense or
6 violation committed on or after the effective date of this Act. An
7 offense or violation committed before the effective date of this
8 Act is governed by the law in effect on the date the offense or
9 violation was committed, and the former law is continued in effect
10 for that purpose. For purposes of this section, an offense or
11 violation was committed before the effective date of this Act if any
12 element of the offense or violation occurred before that date.

13 SECTION 39. (a) Except as provided by Subsection (b) of
14 this section, Section 161.023, Agriculture Code, as amended by this
15 Act, applies to a member of the Texas Animal Health Commission who
16 is appointed before, on, or after the effective date of this Act.

17 (b) A member of the Texas Animal Health Commission who,
18 before the effective date of this Act, completed the training
19 program required by Section 161.023, Agriculture Code, as that law
20 existed before the effective date of this Act, is only required to
21 complete additional training on the subjects added by this Act to
22 the training program required by Section 161.023, Agriculture Code.
23 A commission member described by this subsection may not vote,
24 deliberate, or be counted as a member in attendance at a meeting of
25 the commission held on or after December 1, 2021, until the member
26 completes the additional training.

27 SECTION 40. Not later than March 1, 2022, the Texas Animal

1 Health Commission shall:

2 (1) adopt rules necessary to implement Sections
3 161.041, 161.101, 161.113, and 164.023, Agriculture Code, as
4 amended by this Act; and

5 (2) complete the initial analysis of violations
6 required by Section 161.0375, Agriculture Code, as added by this
7 Act.

8 SECTION 41. Not later than January 1, 2022, the Texas Animal
9 Health Commission and the Texas A&M Veterinary Medical Diagnostic
10 Laboratory shall adopt the memorandum of understanding required by
11 Section 161.0603, Agriculture Code, as added by this Act.

12 SECTION 42. This Act takes effect September 1, 2021.