

By: Lucio, et al.

S.B. No. 705

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation and functions of the Texas Animal
3 Health Commission.

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

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

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

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

17 (a) A person who is appointed to and qualifies for office as
18 a member of the commission may not vote, deliberate, or be counted
19 as a member in attendance at a meeting of the commission until the
20 person completes a training program that complies with this section
21 ~~[Before a member of the commission may assume the member's duties~~
22 ~~and before the member may be confirmed by the senate, the member~~
23 ~~must complete at least one course of the training program~~
24 ~~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 [~~the~~
9 ~~following:~~

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

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

- 27 (1) infected with a disease listed by the commission

1 by rule under [~~in~~] Subsection (a);

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

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

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

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

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

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

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

23 (2) collecting specimens and performing field tests to
24 diagnose animal diseases.

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

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

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

6 (3) set fees associated with laboratory services
7 performed for the commission in amounts sufficient to recover the
8 costs of those services.

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

12 SECTION 10. Section 161.061, Agriculture Code, is amended
13 to read as follows:

14 Sec. 161.061. ESTABLISHMENT. (a) The [~~If the~~] commission
15 may [~~determines or is informed that a disease listed in Section~~
16 ~~161.041 of this code exists in another state, territory, or~~
17 ~~country, the commission shall~~] establish a quarantine against all
18 or the portion of a a [~~the~~] state, territory, or country in which a a
19 [~~the~~] disease listed in rules adopted under Section 161.041 exists.

20 (b) A [~~If the commission determines that a disease listed in~~
21 ~~Section 161.041 of this code or an agency of transmission of one of~~
22 ~~those diseases exists in a place in this state or among livestock,~~
23 ~~exotic livestock, domestic animals, domestic fowl, or exotic fowl,~~
24 ~~or that a place in this state or livestock, exotic livestock,~~
25 ~~domestic animals, domestic fowl, or exotic fowl are exposed to one~~
26 ~~of those diseases or an agency of transmission of one of those~~
27 ~~diseases, the commission shall establish a quarantine on the~~

1 ~~affected animals or on the affected place. The~~ quarantine
2 established under Subsection (a) ~~[of an affected place]~~ may extend
3 to any affected area, including a county, district, pasture, lot,
4 ranch, farm, field, range, thoroughfare, building, stable, or
5 stockyard pen.

6 (c) The commission may establish a quarantine to prohibit or
7 regulate the movement of:

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

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

16 SECTION 11. Section 161.065(c), Agriculture Code, is
17 amended to read as follows:

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

24 SECTION 12. Section 161.101(a), Agriculture Code, is
25 amended to read as follows:

26 (a) A veterinarian, a veterinary diagnostic laboratory, or
27 a person having care, custody, or control of an animal shall report

1 to the commission the existence of [~~the following~~] diseases listed
2 in rules adopted by the commission among livestock, exotic
3 livestock, bison, domestic fowl, or exotic fowl [~~to the commission~~]
4 within 24 hours after diagnosis of the disease. The commission
5 shall adopt and periodically update rules listing the diseases that
6 the commission determines require reporting under this section[+]

- 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 SECTION 13. Section [161.112\(a\)](#), Agriculture Code, is
26 amended to read as follows:

27 (a) Following notice and public hearing, the commission

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

6 SECTION 14. Section 161.113, Agriculture Code, is amended
7 to read as follows:

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

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

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

24 SECTION 15. Section 161.134, Agriculture Code, is amended
25 to read as follows:

26 Sec. 161.134. PROOF OF TREATMENT OR VACCINATION. In the
27 trial of any case involving the compliance of an owner or caretaker

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

5 SECTION 16. Section 162.004(c), Agriculture Code, is
6 amended to read as follows:

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

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

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

12 SECTION 17. Section 164.002(c), Agriculture Code, is
13 amended to read as follows:

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

19 SECTION 18. Section 164.004, Agriculture Code, is amended
20 to read as follows:

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

27 (b) Local inspectors shall perform all duties necessary for

1 [~~to~~] the treatment, inspection, [~~dipping~~], and certification of
2 livestock under this chapter.

3 SECTION 19. Section 164.005(a), Agriculture Code, is
4 amended to read as follows:

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

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

11 SECTION 20. The heading to Subchapter B, Chapter 164,
12 Agriculture Code, is amended to read as follows:

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

14 SECTION 21. Section 164.021, Agriculture Code, is amended
15 to read as follows:

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

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

- 26 (1) the date of issuance;
27 (2) the name of the person to whom the order is made;

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

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

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

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

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

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

18 SECTION 22. Sections [164.022](#)(a), (d), and (e), Agriculture
19 Code, are amended to read as follows:

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

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

1 and

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

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

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

16 SECTION 23. Section 164.023, Agriculture Code, is amended
17 to read as follows:

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

24 SECTION 24. Section 164.028, Agriculture Code, is amended
25 to read as follows:

26 Sec. 164.028. TREATMENT [~~DIPPING~~] AT EXPENSE OF COUNTY. If
27 a person ordered to treat [~~dip~~] cattle or sheep under this chapter

1 fails or refuses to treat [~~dip~~] the animals, the county
2 commissioners court shall:

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

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

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

9 SECTION 25. Section 164.041(a), Agriculture Code, is
10 amended to read as follows:

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

22 SECTION 26. Section 164.044(b), Agriculture Code, is
23 amended to read as follows:

24 (b) If the commission finds animals that have been moved in
25 violation of a quarantine established under this chapter, the
26 commission shall quarantine the animals until they have been
27 properly tested or treated [~~dipped~~] in accordance with the rules of

1 the commission.

2 SECTION 27. Section 164.062(a), Agriculture Code, is
3 amended to read as follows:

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

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

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

14 SECTION 28. Section 164.063, Agriculture Code, is amended
15 to read as follows:

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

22 SECTION 29. Section 164.064, Agriculture Code, is amended
23 to read as follows:

24 Sec. 164.064. DESIGNATION OF INFECTED OR FREE AREAS;
25 TREATMENT [~~DIPPING~~] REQUIREMENTS. The commission may adopt rules
26 designating areas as infected or free from infection and shall
27 establish treatment [~~dipping~~] requirements for the importation of

1 sheep into this state.

2 SECTION 30. Section 164.065, Agriculture Code, is amended
3 to read as follows:

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

11 SECTION 31. The heading to Section 164.083, Agriculture
12 Code, is amended to read as follows:

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

14 SECTION 32. Section 164.083(a), Agriculture Code, is
15 amended to read as follows:

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

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

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

24 SECTION 33. Section 164.085(a), Agriculture Code, is
25 amended to read as follows:

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

27 (1) refuses to permit an inspector to enter any

1 premises of which the person is the owner, tenant, or caretaker for
2 the purpose of inspecting, classifying, or treating [~~dipping~~]
3 animals infected or exposed to scabies; or

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

6 SECTION 34. Section 165.022, Agriculture Code, is amended
7 to read as follows:

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

16 SECTION 35. Section 28.03(i), Penal Code, is amended to
17 read as follows:

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

26 SECTION 36. Sections 161.035(c), 164.024, 164.025,
27 164.026, 164.027, 165.002, and 167.058, Agriculture Code, are

1 repealed.

2 SECTION 37. The changes in law made by this Act to Sections
3 161.041(c) and (d), 164.083(a), and 164.085(a), Agriculture Code,
4 and Section 28.03(i), Penal Code, apply only to an offense or
5 violation committed on or after the effective date of this Act. An
6 offense or violation committed before the effective date of this
7 Act is governed by the law in effect on the date the offense or
8 violation was committed, and the former law is continued in effect
9 for that purpose. For purposes of this section, an offense or
10 violation was committed before the effective date of this Act if any
11 element of the offense or violation occurred before that date.

12 SECTION 38. (a) Except as provided by Subsection (b) of
13 this section, Section 161.023, Agriculture Code, as amended by this
14 Act, applies to a member of the Texas Animal Health Commission who
15 is appointed before, on, or after the effective date of this Act.

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

26 SECTION 39. Not later than March 1, 2022, the Texas Animal
27 Health Commission shall:

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

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

7 SECTION 40. Not later than January 1, 2022, the Texas Animal
8 Health Commission and the Texas A&M Veterinary Medical Diagnostic
9 Laboratory shall adopt the memorandum of understanding required by
10 Section 161.0603, Agriculture Code, as added by this Act.

11 SECTION 41. This Act takes effect September 1, 2021.