

1-1 By: Lucio, et al. S.B. No. 705  
 1-2 (In the Senate - Filed February 26, 2021; March 11, 2021,  
 1-3 read first time and referred to Committee on Water, Agriculture &  
 1-4 Rural Affairs; March 22, 2021, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; March 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the continuation and functions of the Texas Animal  
 1-20 Health Commission.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 161.004(a), Agriculture Code, is amended  
 1-23 to read as follows:

1-24 (a) A person who is the owner or caretaker of livestock,  
 1-25 exotic livestock, domestic fowl, or exotic fowl that die from a  
 1-26 disease listed by the commission in rules adopted under [in]  
 1-27 Section 161.041, or who owns or controls the land on which the  
 1-28 livestock, exotic livestock, domestic fowl, or exotic fowl die or  
 1-29 on which the carcasses are found, shall dispose of the carcasses in  
 1-30 the manner required by the commission under this section.

1-31 SECTION 2. Section 161.023, Agriculture Code, is amended by  
 1-32 amending Subsections (a) and (b) and adding Subsection (d) to read  
 1-33 as follows:

1-34 (a) A person who is appointed to and qualifies for office as  
 1-35 a member of the commission may not vote, deliberate, or be counted  
 1-36 as a member in attendance at a meeting of the commission until the  
 1-37 person completes a training program that complies with this section  
 1-38 [Before a member of the commission may assume the member's duties  
 1-39 and before the member may be confirmed by the senate, the member  
 1-40 must complete at least one course of the training program  
 1-41 established under this section].

1-42 (b) The [A] training program must [established under this  
 1-43 section shall] provide the person with information [to the member]  
 1-44 regarding:

1-45 (1) the law governing [enabling legislation that  
 1-46 created the] commission operations;

1-47 (2) the programs, functions, rules, and budget of  
 1-48 [operated by] the commission;

1-49 (3) the scope of and limitations on the rulemaking  
 1-50 authority [role and functions] of the commission;

1-51 (4) [the rules of the commission with an emphasis on  
 1-52 the rules that relate to disciplinary and investigatory authority,

1-53 [(5) the current budget for the commission,

1-54 [(6)] the results of the most recent formal audit of  
 1-55 the commission;

1-56 (5) [(7)] the requirements of [the]:

1-57 (A) laws relating to open meetings, public  
 1-58 information, administrative procedure, and disclosing conflicts of  
 1-59 interest [law, Chapter 551, Government Code]; and

1-60 (B) other laws applicable to members of a state  
 1-61 policy-making body in performing their duties [open records law,

2-1 ~~Chapter 552, Government Code]; and~~  
 2-2 ~~[(C) administrative procedure law, Chapter 2001,~~  
 2-3 ~~Government Code,~~

2-4 ~~[(8) the requirements of the conflict of interest laws~~  
 2-5 ~~and other laws relating to public officials, and]~~

2-6 ~~(6) [(9)] any applicable ethics policies adopted by~~  
 2-7 ~~the commission or the Texas Ethics Commission.~~

2-8 ~~(d) The executive director of the commission shall create a~~  
 2-9 ~~training manual that includes the information required by~~  
 2-10 ~~Subsection (b). The executive director shall distribute a copy of~~  
 2-11 ~~the training manual annually to each member of the commission. Each~~  
 2-12 ~~member of the commission shall sign and submit to the executive~~  
 2-13 ~~director a statement acknowledging that the member received and has~~  
 2-14 ~~reviewed the training manual.~~

2-15 SECTION 3. Section 161.027, Agriculture Code, is amended to  
 2-16 read as follows:

2-17 Sec. 161.027. SUNSET PROVISION. The Texas Animal Health  
 2-18 Commission is subject to Chapter 325, Government Code (Texas Sunset  
 2-19 Act). Unless continued in existence as provided by that chapter,  
 2-20 the commission is abolished September 1, 2033 [2021].

2-21 SECTION 4. Section 161.029(a), Agriculture Code, is amended  
 2-22 to read as follows:

2-23 (a) It is a ground for removal from the commission if a  
 2-24 member:

2-25 (1) does not have at the time of taking office  
 2-26 ~~[appointment]~~ the qualifications required by Section 161.021;

2-27 (2) does not maintain during service on the commission  
 2-28 the qualifications required by Section 161.021;

2-29 (3) is ineligible for membership under Section  
 2-30 161.021(d) or 161.028;

2-31 (4) cannot, because of illness or disability,  
 2-32 ~~discharge the member's duties for a substantial part of the member's~~  
 2-33 ~~term [for which the member is appointed because of illness or~~  
 2-34 ~~disability]; or~~

2-35 (5) is absent from more than half of the regularly  
 2-36 scheduled commission meetings that the member is eligible to attend  
 2-37 during a calendar year without an excuse approved ~~[unless that~~  
 2-38 ~~absence is excused]~~ by a majority vote of the commission.

2-39 SECTION 5. Section 161.033(c), Agriculture Code, is amended  
 2-40 to read as follows:

2-41 (c) The commission shall periodically notify the complaint  
 2-42 ~~parties [to a complaint]~~ of the status of the complaint until ~~[its]~~  
 2-43 final disposition unless the notice would jeopardize an  
 2-44 investigation.

2-45 SECTION 6. Sections 161.035(a) and (b), Agriculture Code,  
 2-46 are amended to read as follows:

2-47 (a) The commission by rule may establish advisory  
 2-48 ~~committees [as it considers necessary]~~ to make recommendations to  
 2-49 the commission on programs, [assist it in developing proposed]  
 2-50 rules, and policies administered by the commission ~~[for the~~  
 2-51 ~~regulation of exotic livestock and exotic fowl].~~

2-52 (b) In establishing ~~[A member of]~~ an advisory committee  
 2-53 ~~[established]~~ under this section, the commission shall adopt rules,  
 2-54 including rules regarding:

2-55 (1) the purpose, role, responsibility, goals, and  
 2-56 duration of the committee;

2-57 (2) the size of and quorum requirement for the  
 2-58 committee;

2-59 (3) qualifications for committee membership;

2-60 (4) appointment procedures for members;

2-61 (5) terms of service for members;

2-62 (6) training requirements for members;

2-63 (7) policies to avoid conflicts of interest by  
 2-64 members;

2-65 (8) a periodic review process to evaluate the  
 2-66 continuing need for the committee; and

2-67 (9) policies to ensure the committee does not violate  
 2-68 any provision of Chapter 551, Government Code, applicable to the  
 2-69 commission or the committee ~~[serves at the pleasure of the~~

3-1 ~~commission~~].

3-2 SECTION 7. Subchapter B, Chapter 161, Agriculture Code, is  
3-3 amended by adding Section 161.0375 to read as follows:

3-4 Sec. 161.0375. PERIODIC REVIEW OF COMPLIANCE INFORMATION.

3-5 (a) The commission shall analyze, on a statewide and regional  
3-6 basis, violations of this subtitle. The commission shall consider:

3-7 (1) violation types and disposition;

3-8 (2) persons who are repeat offenders; and

3-9 (3) persons who commit the most serious offenses.

3-10 (b) The commission shall use the analysis under Subsection  
3-11 (a) to compare enforcement practices across each region and  
3-12 determine:

3-13 (1) training needs;

3-14 (2) gaps in enforcement authority; and

3-15 (3) effective enforcement activities.

3-16 (c) The commission shall conduct the analysis under  
3-17 Subsection (a) on a periodic basis to ensure that the information  
3-18 reflects current enforcement practices.

3-19 (d) The commission shall timely enter and share compliance  
3-20 and enforcement information on a statewide and regional basis.

3-21 SECTION 8. Sections 161.041(a), (c), and (d), Agriculture  
3-22 Code, are amended to read as follows:

3-23 (a) The commission shall protect all livestock, exotic  
3-24 livestock, domestic fowl, and exotic fowl from diseases the  
3-25 commission determines require control or eradication. The  
3-26 commission shall adopt and periodically update rules listing the  
3-27 diseases that require control or eradication by the commission [the  
3-28 following:

3-29 [~~(1) tuberculosis;~~

3-30 [~~(2) anthrax;~~

3-31 [~~(3) glanders;~~

3-32 [~~(4) infectious abortion;~~

3-33 [~~(5) hemorrhagic septicemia;~~

3-34 [~~(6) hog cholera;~~

3-35 [~~(7) Malta fever;~~

3-36 [~~(8) foot-and-mouth disease;~~

3-37 [~~(9) rabies among animals other than canines;~~

3-38 [~~(10) bacillary white diarrhea among fowl;~~

3-39 [~~(11) equine infectious anemia; and~~

3-40 [~~(12) other diseases recognized as communicable by the~~  
3-41 veterinary profession].

3-42 (c) A person commits an offense if the person knowingly  
3-43 fails to handle, in accordance with rules adopted by the  
3-44 commission, livestock, exotic livestock, domestic fowl, or exotic  
3-45 fowl:

3-46 (1) infected with a disease listed by the commission  
3-47 by rule under [~~in~~] Subsection (a);

3-48 (2) exposed, as defined by commission rule, to a  
3-49 disease listed by the commission by rule under [~~in~~] Subsection (a)  
3-50 if the commission has notified the person that the animal was  
3-51 exposed to the disease; or

3-52 (3) subject to a testing requirement due to a risk of  
3-53 exposure, as defined by commission rule, to a specific disease if  
3-54 the commission has notified the person of the testing requirement.

3-55 (d) A person commits an offense if the person knowingly  
3-56 fails to identify or refuses to permit an agent of the commission to  
3-57 identify, in accordance with rules adopted by the commission,  
3-58 livestock, exotic livestock, domestic fowl, or exotic fowl infected  
3-59 with a disease listed by the commission by rule under [~~in~~]  
3-60 Subsection (a).

3-61 SECTION 9. Subchapter C, Chapter 161, Agriculture Code, is  
3-62 amended by adding Section 161.0603 to read as follows:

3-63 Sec. 161.0603. LABORATORY TESTING. (a) The Texas A&M  
3-64 Veterinary Medical Diagnostic Laboratory is the state's regulatory  
3-65 animal health laboratory.

3-66 (b) This section does not prevent the commission from:

3-67 (1) using a laboratory other than the Texas A&M  
3-68 Veterinary Medical Diagnostic Laboratory for a test as needed; or

3-69 (2) collecting specimens and performing field tests to

4-1 diagnose animal diseases.

4-2 (c) The commission and the Texas A&M Veterinary Medical  
4-3 Diagnostic Laboratory shall enter into a memorandum of  
4-4 understanding to:

4-5 (1) establish the laboratory services to be performed  
4-6 by the Texas A&M Veterinary Medical Diagnostic Laboratory;

4-7 (2) provide reporting requirements for the Texas A&M  
4-8 Veterinary Medical Diagnostic Laboratory on all test requests  
4-9 received from the commission; and

4-10 (3) set fees associated with laboratory services  
4-11 performed for the commission in amounts sufficient to recover the  
4-12 costs of those services.

4-13 (d) The commission and the Texas A&M Veterinary Medical  
4-14 Diagnostic Laboratory shall annually review the memorandum of  
4-15 understanding under Subsection (c).

4-16 SECTION 10. Section 161.061, Agriculture Code, is amended  
4-17 to read as follows:

4-18 Sec. 161.061. ESTABLISHMENT. (a) The [If the] commission  
4-19 may [determines or is informed that a disease listed in Section  
4-20 161.041 of this code exists in another state, territory, or  
4-21 country, the commission shall] establish a quarantine against all  
4-22 or the portion of a [the] state, territory, or country in which a  
4-23 [the] disease listed in rules adopted under Section 161.041 exists.

4-24 (b) A [If the commission determines that a disease listed in  
4-25 Section 161.041 of this code or an agency of transmission of one of  
4-26 those diseases exists in a place in this state or among livestock,  
4-27 exotic livestock, domestic animals, domestic fowl, or exotic fowl,  
4-28 or that a place in this state or livestock, exotic livestock,  
4-29 domestic animals, domestic fowl, or exotic fowl are exposed to one  
4-30 of those diseases or an agency of transmission of one of those  
4-31 diseases, the commission shall establish a quarantine on the  
4-32 affected animals or on the affected place. The] quarantine  
4-33 established under Subsection (a) [of an affected place] may extend  
4-34 to any affected area, including a county, district, pasture, lot,  
4-35 ranch, farm, field, range, thoroughfare, building, stable, or  
4-36 stockyard pen.

4-37 (c) The commission may establish a quarantine to prohibit or  
4-38 regulate the movement of:

4-39 (1) any article or animal that the commission  
4-40 designates to be a carrier of a disease listed in rules adopted  
4-41 under [in] Section 161.041 [of this code] or a potential carrier of  
4-42 one of those diseases, if movement is not otherwise regulated or  
4-43 prohibited; and

4-44 (2) an animal into an affected area, including a  
4-45 county district, pasture, lot, ranch, farm, field, range,  
4-46 thoroughfare, building, stable, or stockyard pen.

4-47 SECTION 11. Section 161.065(c), Agriculture Code, is  
4-48 amended to read as follows:

4-49 (c) If the commission finds animals that have been moved in  
4-50 violation of a quarantine established under this chapter or in  
4-51 violation of any other livestock sanitary law, the commission shall  
4-52 quarantine the animals until they have been properly treated,  
4-53 vaccinated, tested, ~~[dipped]~~ or disposed of in accordance with the  
4-54 rules of the commission.

4-55 SECTION 12. Section 161.101(a), Agriculture Code, is  
4-56 amended to read as follows:

4-57 (a) A veterinarian, a veterinary diagnostic laboratory, or  
4-58 a person having care, custody, or control of an animal shall report  
4-59 to the commission the existence of [the following] diseases listed  
4-60 in rules adopted by the commission among livestock, exotic  
4-61 livestock, bison, domestic fowl, or exotic fowl [to the commission]  
4-62 within 24 hours after diagnosis of the disease. The commission  
4-63 shall adopt and periodically update rules listing the diseases that  
4-64 the commission determines require reporting under this section[+]

4-65 (1) anthrax,  
4-66 (2) avian infectious laryngotracheitis,  
4-67 (3) avian influenza,  
4-68 (4) avian tuberculosis,  
4-69 (5) bovine trichomoniasis,

5-1 [~~(6) chronic wasting disease,~~  
5-2 [~~(7) duck virus enteritis,~~  
5-3 [~~(8) duck virus hepatitis,~~  
5-4 [~~(9) equine encephalomyelitis,~~  
5-5 [~~(10) equine herpes virus-1,~~  
5-6 [~~(11) equine infectious anemia,~~  
5-7 [~~(12) equine viral arteritis,~~  
5-8 [~~(13) infectious encephalomyelitis in poultry or~~  
5-9 ~~other fowl,~~  
5-10 [~~(14) ornithosis,~~  
5-11 [~~(15) paramyxovirus infection in poultry or other~~  
5-12 ~~fowl, or~~  
5-13 [~~(16) scabies in sheep or cattle].~~

5-14 SECTION 13. Section 161.112(a), Agriculture Code, is  
5-15 amended to read as follows:

5-16 (a) Following notice and public hearing, the commission  
5-17 shall adopt rules relating to the movement of livestock, exotic  
5-18 livestock, and exotic fowl from livestock markets and shall require  
5-19 tests, immunization, or treatment [~~and dipping of those livestock~~]  
5-20 as necessary to protect against the spread of communicable  
5-21 diseases.

5-22 SECTION 14. Section 161.113, Agriculture Code, is amended  
5-23 to read as follows:

5-24 Sec. 161.113. TESTING, [OR] TREATMENT, OR VACCINATION OF  
5-25 LIVESTOCK. (a) The [If the] commission shall adopt rules for  
5-26 [requires] testing, treatment, or vaccination under this  
5-27 subchapter [the testing or vaccination must be performed by an  
5-28 accredited veterinarian or qualified person authorized by the  
5-29 commission]. The state may not be required to pay the cost of fees  
5-30 charged for the testing, treatment, or vaccination.

5-31 (b) If the commission requires the dipping of livestock  
5-32 under this subchapter, the livestock shall be [~~submerged in a vat,~~  
5-33 ~~sprayed, or] treated in a [~~another sanitary~~] manner prescribed by  
5-34 rule of the commission.~~

5-35 (c) The commission may require the owner or operator of a  
5-36 livestock market to furnish adequate equipment or facilities  
5-37 [~~chutes or holding pens or to furnish] or have access to [~~other~~]  
5-38 essential equipment or [testing and dipping] facilities within the  
5-39 immediate vicinity of the livestock market.~~

5-40 SECTION 15. Section 161.134, Agriculture Code, is amended  
5-41 to read as follows:

5-42 Sec. 161.134. PROOF OF TREATMENT OR VACCINATION. In the  
5-43 trial of any case involving the compliance of an owner or caretaker  
5-44 with a provision of this chapter requiring the treatment or [r]  
5-45 vaccination [dipping, or disinfecting] of livestock, a person may  
5-46 not attempt to prove that the action was taken by a person other  
5-47 than an authorized representative of the commission.

5-48 SECTION 16. Section 162.004(c), Agriculture Code, is  
5-49 amended to read as follows:

5-50 (c) A certificate under this section must be:  
5-51 (1) in a form prescribed by the commission; and  
5-52 (2) [~~must be] sent to the commission within the time  
5-53 prescribed by the commission by rule [48 hours after completion of  
5-54 the test or vaccination].~~

5-55 SECTION 17. Section 164.002(c), Agriculture Code, is  
5-56 amended to read as follows:

5-57 (c) Cattle or sheep are not exposed to scabies under  
5-58 Subsection (b) of this section if the place or plant has been  
5-59 disinfected since the infected cattle or sheep were removed. This  
5-60 subsection does not exempt the cattle or sheep from treatment  
5-61 [~~dipping] required by this chapter.~~

5-62 SECTION 18. Section 164.004, Agriculture Code, is amended  
5-63 to read as follows:

5-64 Sec. 164.004. DUTIES OF INSPECTORS. (a) All treatments  
5-65 [~~dippings], inspections, and certifications for scabies~~  
5-66 eradication and the disinfection of all equipment or facilities  
5-67 [~~cars, sheds, boats, chutes, alleys, platforms, pens, or yards]~~  
5-68 required by this chapter shall be performed by or under the  
5-69 supervision of an inspector.

6-1 (b) Local inspectors shall perform all duties necessary for  
 6-2 ~~to~~ the treatment, inspection, ~~[dipping]~~ and certification of  
 6-3 livestock under this chapter.

6-4 SECTION 19. Section 164.005(a), Agriculture Code, is  
 6-5 amended to read as follows:

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

6-8 (1) ascertaining the presence of scabies infection;

6-9 (2) ascertaining any exposure to scabies; or

6-10 (3) inspecting, classifying, or treating ~~[dipping]~~  
 6-11 cattle or sheep for scabies infection or exposure.

6-12 SECTION 20. The heading to Subchapter B, Chapter 164,  
 6-13 Agriculture Code, is amended to read as follows:

6-14 SUBCHAPTER B. TREATMENT ~~[DIPPING]~~

6-15 SECTION 21. Section 164.021, Agriculture Code, is amended  
 6-16 to read as follows:

6-17 Sec. 164.021. TREATMENT ~~[DIPPING]~~ REQUIRED ON ORDER OF  
 6-18 COMMISSION. (a) The commission by written order may direct a  
 6-19 person who owns, controls, or cares for cattle or sheep that are  
 6-20 scabies-infected or are exposed to scabies, to treat ~~[dip]~~ any or  
 6-21 all of those animals for the purpose of destroying, eradicating,  
 6-22 curing, or removing a scabies infection or a source of exposure to  
 6-23 scabies.

6-24 (b) An order of the commission under this section must be  
 6-25 signed by the commission or the presiding officer of the commission  
 6-26 and must contain the following:

6-27 (1) the date of issuance;

6-28 (2) the name of the person to whom the order is made;

6-29 (3) the approximate location of the premises on which  
 6-30 the animals are located;

6-31 (4) the county in which the premises are located;

6-32 (5) a statement in clear and intelligible language  
 6-33 that the sheep or cattle that the person owns, controls, or cares  
 6-34 for are infected with or exposed to scabies;

6-35 (6) an order directing the person to treat ~~[dip]~~ the  
 6-36 animals, under the supervision of an inspector and in the manner  
 6-37 prescribed by the commission~~[, in a dipping solution provided by~~  
 6-38 ~~this chapter or in a designated solution approved for that purpose~~  
 6-39 ~~by rule of the commission]; and~~

6-40 (7) a designation of the date, time, and place that the  
 6-41 treatment ~~[dipping]~~ is to occur.

6-42 (c) An order under this section must be delivered to the  
 6-43 person owning or controlling the cattle or sheep not later than the  
 6-44 14th day before the date and time for the treatment ~~[dipping]~~  
 6-45 designated in the order.

6-46 SECTION 22. Sections 164.022(a), (d), and (e), Agriculture  
 6-47 Code, are amended to read as follows:

6-48 (a) Not later than the fifth day following the day on which a  
 6-49 person receives an order to treat ~~[dip]~~ cattle or sheep, the person  
 6-50 may file with the commission or the presiding officer of the  
 6-51 commission a written affidavit that:

6-52 (1) denies that the animals are subject to being  
 6-53 treated ~~[dipped]~~ under this chapter, or states that, for good and  
 6-54 sufficient reason set out in the affidavit, the person is entitled  
 6-55 to have the order rescinded or the treatment ~~[dipping]~~ postponed;  
 6-56 and

6-57 (2) requests that the commission withhold enforcement  
 6-58 of the order and grant a hearing on the matter or investigate the  
 6-59 matter as necessary to determine the correctness of the statement  
 6-60 contained in the affidavit.

6-61 (d) If the commission finds that the statement in the  
 6-62 affidavit is correct, the commission shall rescind the order or  
 6-63 postpone the treatment ~~[dipping]~~ until a time that the commission  
 6-64 considers proper. If the commission finds that the statement in the  
 6-65 affidavit is not correct, the commission shall enforce the order on  
 6-66 the date and at the time designated in the order.

6-67 (e) Following a hearing, the commission shall deliver its  
 6-68 written findings to the affiant not later than the fourth day before  
 6-69 the date and time that the order requires the animals to be treated

7-1 ~~[dipped]~~.

7-2 SECTION 23. Section [164.023](#), Agriculture Code, is amended  
7-3 to read as follows:

7-4 Sec. 164.023. METHOD OF TREATMENT ~~[DIPPING]~~. The  
7-5 commission by rule shall prescribe the methods of treatment  
7-6 available for the treatment of scabies ~~[If the commission requires~~  
7-7 ~~the dipping of animals]~~ under this chapter ~~[, the animals shall be~~  
7-8 ~~submerged in a vat, sprayed, or treated in another sanitary manner~~  
7-9 ~~prescribed by the commission]~~.

7-10 SECTION 24. Section [164.028](#), Agriculture Code, is amended  
7-11 to read as follows:

7-12 Sec. 164.028. TREATMENT ~~[DIPPING]~~ AT EXPENSE OF COUNTY. If  
7-13 a person ordered to treat ~~[dip]~~ cattle or sheep under this chapter  
7-14 fails or refuses to treat ~~[dip]~~ the animals, the county  
7-15 commissioners court shall:

7-16 (1) provide the necessary equipment and ~~[vats, pens,~~  
7-17 ~~other]~~ facilities for the treatment of the animals;

7-18 (2) ~~[, and materials, shall]~~ have the animals treated  
7-19 ~~[dipped]~~ in accordance with this chapter; ~~[,]~~ and

7-20 (3) ~~[shall]~~ pay the expenses of the treatment  
7-21 ~~[dipping]~~ by warrant drawn on the general funds of the county.

7-22 SECTION 25. Section [164.041\(a\)](#), Agriculture Code, is  
7-23 amended to read as follows:

7-24 (a) The ~~[If the]~~ commission may ~~[determines or is informed~~  
7-25 ~~that scabies exists among cattle in another state, territory, or~~  
7-26 ~~country, the commission shall]~~ establish a quarantine against all  
7-27 or the portion of a ~~[the]~~ state, territory, or country in which the  
7-28 commission determines scabies ~~[the disease]~~ exists. A ~~[The]~~  
7-29 quarantine established under this section is governed by Chapter  
7-30 [161](#) ~~[of this code]~~, except that only a scabies inspector recognized  
7-31 by the commission for that purpose in the quarantine notice may  
7-32 issue certificates or permits for the movement of cattle subject to  
7-33 the quarantine. A person who violates the quarantine is subject to  
7-34 the penalties provided by Chapter [161](#) ~~[that chapter]~~.

7-35 SECTION 26. Section [164.044\(b\)](#), Agriculture Code, is  
7-36 amended to read as follows:

7-37 (b) If the commission finds animals that have been moved in  
7-38 violation of a quarantine established under this chapter, the  
7-39 commission shall quarantine the animals until they have been  
7-40 properly tested or treated ~~[dipped]~~ in accordance with the rules of  
7-41 the commission.

7-42 SECTION 27. Section [164.062\(a\)](#), Agriculture Code, is  
7-43 amended to read as follows:

7-44 (a) A person may not import sheep into this state unless the  
7-45 shipment is accompanied by a certificate certifying that:

7-46 (1) the sheep are free from scabies infection and  
7-47 exposure; or

7-48 (2) the sheep have been treated by a method ~~[dipped in~~  
7-49 ~~a solution]~~ recognized by the Animal and Plant Health Inspection  
7-50 Service, United States Department of Agriculture, for eradication  
7-51 of sheep scabies and in a manner designed to have eradicated  
7-52 infection or exposure within 10 days prior to the date of  
7-53 importation.

7-54 SECTION 28. Section [164.063](#), Agriculture Code, is amended  
7-55 to read as follows:

7-56 Sec. 164.063. QUARANTINE OF IMPORTED SHEEP. If the  
7-57 certificate for a shipment of sheep shows that the sheep were  
7-58 treated ~~[dipped]~~ at the point of origin in accordance with Section  
7-59 [164.062\(a\)\(2\)](#) ~~[of this code]~~, the sheep shall be quarantined at the  
7-60 range on which the sheep are placed in this state for a period of 180  
7-61 days.

7-62 SECTION 29. Section [164.064](#), Agriculture Code, is amended  
7-63 to read as follows:

7-64 Sec. 164.064. DESIGNATION OF INFECTED OR FREE AREAS;  
7-65 TREATMENT ~~[DIPPING]~~ REQUIREMENTS. The commission may adopt rules  
7-66 designating areas as infected or free from infection and shall  
7-67 establish treatment ~~[dipping]~~ requirements for the importation of  
7-68 sheep into this state.

7-69 SECTION 30. Section [164.065](#), Agriculture Code, is amended

8-1 to read as follows:

8-2       Sec. 164.065. EXHIBITIONS. The commission shall provide an  
8-3 importer of show sheep a reasonable length of time, not to exceed 60  
8-4 days after the date of importation, in which to display the sheep at  
8-5 county fairs or livestock exhibitions. The importer shall keep the  
8-6 sheep separate from all sheep other than show sheep and shall treat  
8-7 ~~[dip]~~ the sheep as required by the commission ~~[at least once]~~ before  
8-8 they are distributed to the range.

8-9       SECTION 31. The heading to Section 164.083, Agriculture  
8-10 Code, is amended to read as follows:

8-11       Sec. 164.083. FAILURE TO TREAT ~~[DIP]~~ FOR SCABIES.

8-12       SECTION 32. Section 164.083(a), Agriculture Code, is  
8-13 amended to read as follows:

8-14       (a) A person commits an offense if the person:

8-15           (1) owns, controls, or cares for cattle or sheep  
8-16 infected with scabies or cattle or sheep that have been exposed to  
8-17 scabies infection within six months prior to the date of an order to  
8-18 treat ~~[dip]~~ under Section 164.021 ~~[of this code]~~; and

8-19           (2) fails or refuses to treat ~~[dip]~~ the sheep or cattle  
8-20 at the time and in the manner provided by the order of the  
8-21 commission.

8-22       SECTION 33. Section 164.085(a), Agriculture Code, is  
8-23 amended to read as follows:

8-24       (a) A person commits an offense if the person:

8-25           (1) refuses to permit an inspector to enter any  
8-26 premises of which the person is the owner, tenant, or caretaker for  
8-27 the purpose of inspecting, classifying, or treating ~~[dipping]~~  
8-28 animals infected or exposed to scabies; or

8-29           (2) refuses to gather animals in accordance with  
8-30 Section 164.005(c) ~~[of this code]~~.

8-31       SECTION 34. Section 165.022, Agriculture Code, is amended  
8-32 to read as follows:

8-33       Sec. 165.022. METHOD OF DISEASE ERADICATION. Following  
8-34 notice and public hearing, the commission shall adopt rules for the  
8-35 enforcement of this subchapter, including rules providing for the  
8-36 manner, method, and system of eradicating swine diseases. The  
8-37 commission may by a two-thirds vote adopt rules more stringent than  
8-38 ~~[may not exceed]~~ the rules relating to minimum standards for  
8-39 cooperative programs adopted by the Animal and Plant Health  
8-40 Inspection Service of the United States Department of Agriculture.

8-41       SECTION 35. Section 28.03(i), Penal Code, is amended to  
8-42 read as follows:

8-43       (i) Notwithstanding Subsection (b), an offense under this  
8-44 section is a felony of the first degree if the property is livestock  
8-45 and the damage is caused by introducing bovine spongiform  
8-46 encephalopathy, commonly known as mad cow disease, or a disease  
8-47 listed in rules adopted ~~[described]~~ by the Texas Animal Health  
8-48 Commission under Section 161.041(a), Agriculture Code. In this  
8-49 subsection, "livestock" has the meaning assigned by Section  
8-50 161.001, Agriculture Code.

8-51       SECTION 36. Sections 161.035(c), 164.024, 164.025,  
8-52 164.026, 164.027, 165.002, and 167.058, Agriculture Code, are  
8-53 repealed.

8-54       SECTION 37. The changes in law made by this Act to Sections  
8-55 161.041(c) and (d), 164.083(a), and 164.085(a), Agriculture Code,  
8-56 and Section 28.03(i), Penal Code, apply only to an offense or  
8-57 violation committed on or after the effective date of this Act. An  
8-58 offense or violation committed before the effective date of this  
8-59 Act is governed by the law in effect on the date the offense or  
8-60 violation was committed, and the former law is continued in effect  
8-61 for that purpose. For purposes of this section, an offense or  
8-62 violation was committed before the effective date of this Act if any  
8-63 element of the offense or violation occurred before that date.

8-64       SECTION 38. (a) Except as provided by Subsection (b) of  
8-65 this section, Section 161.023, Agriculture Code, as amended by this  
8-66 Act, applies to a member of the Texas Animal Health Commission who  
8-67 is appointed before, on, or after the effective date of this Act.

8-68       (b) A member of the Texas Animal Health Commission who,  
8-69 before the effective date of this Act, completed the training

9-1 program required by Section 161.023, Agriculture Code, as that law  
9-2 existed before the effective date of this Act, is only required to  
9-3 complete additional training on the subjects added by this Act to  
9-4 the training program required by Section 161.023, Agriculture Code.  
9-5 A commission member described by this subsection may not vote,  
9-6 deliberate, or be counted as a member in attendance at a meeting of  
9-7 the commission held on or after December 1, 2021, until the member  
9-8 completes the additional training.

9-9 SECTION 39. Not later than March 1, 2022, the Texas Animal  
9-10 Health Commission shall:

9-11 (1) adopt rules necessary to implement Sections  
9-12 161.041, 161.101, 161.113, and 164.023, Agriculture Code, as  
9-13 amended by this Act; and

9-14 (2) complete the initial analysis of violations  
9-15 required by Section 161.0375, Agriculture Code, as added by this  
9-16 Act.

9-17 SECTION 40. Not later than January 1, 2022, the Texas Animal  
9-18 Health Commission and the Texas A&M Veterinary Medical Diagnostic  
9-19 Laboratory shall adopt the memorandum of understanding required by  
9-20 Section 161.0603, Agriculture Code, as added by this Act.

9-21 SECTION 41. This Act takes effect September 1, 2021.

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