

By: Hardcastle

H.B. No. 1361

Substitute the following for H.B. No. 1361:

By: Brown of Kaufman

C.S.H.B. No. 1361

A BILL TO BE ENTITLED

AN ACT

relating to the development of an animal identification program;  
providing a criminal penalty.

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

SECTION 1. Section 161.056, Agriculture Code, is amended to  
read as follows:

Sec. 161.056. ANIMAL IDENTIFICATION PROGRAM [~~OF EXOTIC~~  
~~ANIMALS~~]. (a) In order to provide for disease control and enhance  
the ability to trace disease-infected animals or animals that have  
been exposed to disease, the commission may develop and implement  
an animal identification program that is consistent with the United  
States Department of Agriculture's National Animal Identification  
System.

(b) The commission may recognize the following as official  
identification numbers in the state:

(1) premises identification numbers assigned to each  
geographically unique location associated with animal agriculture;

(2) individual animal identification numbers; and

(3) group identification numbers.

(c) The commission may require the use of official  
identification numbers assigned as part of the animal  
identification program for animal disease control, animal  
emergency management, and other commission programs.

(d) The commission may establish a date by which all

1 premises must be registered and may assess a registration fee on all  
2 entities that register for a premises identification number.

3 (e) Information collected by the commission under this  
4 section is exempt from the public disclosure requirements of  
5 Chapter 552, Government Code. The commission may provide  
6 information to another person, including a governmental entity,  
7 without altering the confidential status of the information. The  
8 commission may release information to:

9 (1) a person who owns or controls animals and seeks  
10 information regarding those animals, if the person requests the  
11 information in writing;

12 (2) the attorney general's office, for the purpose of  
13 law enforcement;

14 (3) the secretary of the United States Department of  
15 Agriculture, for the purpose of animal health protection;

16 (4) the secretary of the Department of Homeland  
17 Security, for the purpose of homeland security;

18 (5) the Department of State Health Services, for the  
19 purpose of protecting the public health from zoonotic diseases;

20 (6) any person, under an order of a court of competent  
21 jurisdiction;

22 (7) a state, municipal, or county emergency management  
23 authority, for the purpose of management or response to natural or  
24 man-made disasters; or

25 (8) any person the executive director of the  
26 commission considers appropriate, if the executive director  
27 determines that:

1                   (A) livestock may be threatened by a disease,  
2 agent, or pest; and

3                   (B) the release of the information is related to  
4 actions the commission may take under this section.

5           (f) Notwithstanding Subsection (e), the commission shall  
6 release information collected under this section if the release is  
7 necessary for emergency management purposes under Chapter 418,  
8 Government Code. The release of information under this subsection  
9 does not alter the confidential status of the information.

10           (g) A person commits an offense if the person fails to  
11 comply with an order or rule adopted under this section.

12           (h) An offense under Subsection (g) is a Class C misdemeanor  
13 unless it is shown on the trial of the offense that the defendant  
14 has been convicted previously under this section, in which case the  
15 offense is a Class B misdemeanor.

16           (i) The commission may adopt rules necessary to implement  
17 and enforce this section ~~[to establish a standard method for~~  
18 ~~identifying and tracking exotic livestock and exotic fowl]~~.

19           SECTION 2. This Act takes effect September 1, 2005.