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H.B. No. 461

A BILL TO BE ENTITLED

AN ACT

relating to participation in an animal identification system.

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

SECTION 1. Section 161.056, Agriculture Code, is amended by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1), (j), and (k) to read as follows:

(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 a voluntary ~~an~~ animal identification program that is consistent with the United States Department of Agriculture's National Animal Identification System.

(a-1) A person may apply for the program by submitting an annual fee determined by the commission and a signed application prescribed by the commission. An application form prescribed by the commission must include the following information:

(1) a conspicuous notice that the program is voluntary;

(2) a disclosure of the types of information collected under the program; and

(3) notice of the persons to which information the commission collects under the program may be disclosed.

(c) The commission may permit ~~require~~ the use of official identification numbers assigned as part of the animal

1 identification program for [~~animal disease control, animal~~
2 ~~emergency management, and other~~] commission programs.

3 (d) The commission may [~~establish a date by which all~~
4 ~~premises must be registered and may~~] assess a registration fee on
5 all entities that register for a premises identification number.

6 (e) Information collected by the commission under this
7 section is exempt from the public disclosure requirements of
8 Chapter 552, Government Code. The commission may provide
9 information to another person, including a governmental entity,
10 without altering the confidential status of the information. The
11 commission may release information to the following persons if the
12 commission determines that the person has adequate protections for
13 the confidentiality of the information:

14 (1) a person who owns or controls animals and seeks
15 information regarding those animals, if the person requests the
16 information in writing;

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

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

21 (4) the secretary of the Department of Homeland
22 Security, for the purpose of homeland security;

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

25 (6) any person, under an order of a court of competent
26 jurisdiction; or

27 (7) a state, municipal, or county emergency management

1 authority, for the purpose of management or response to natural or
2 man-made disasters [~~, or~~

3 ~~(8) any person the executive director of the~~
4 ~~commission considers appropriate, if the executive director~~
5 ~~determines that:~~

6 ~~[(A) livestock may be threatened by a disease,~~
7 ~~agent, or pest, and~~

8 ~~[(B) the release of the information is related to~~
9 ~~actions the commission may take under this section].~~

10 (j) A person who participates in the program may withdraw
11 from the program at any time. The commission shall delete from the
12 program all personal information relating to a participant when the
13 participant withdraws from the program.

14 (k) A person may not condition a service, benefit, license,
15 payment, or permit on participation in a program under this
16 section.

17 SECTION 2. Sections 161.056(g) and (h), Agriculture Code,
18 are repealed.

19 SECTION 3. The Texas Animal Health Commission shall:

20 (1) not later than November 1, 2007, provide notice of
21 the changes to Section 161.056, Agriculture Code, made by this Act
22 to each person registered on the effective date of this Act under
23 that section and provide the person with the opportunity to
24 withdraw from the program; and

25 (2) not later than January 1, 2008, adopt rules as
26 required by Section 161.056, Agriculture Code, as amended by this
27 Act.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.