

By: Hughes

H.B. No. 637

A BILL TO BE ENTITLED

1 AN ACT

2 relating to making participation in an animal identification
3 program voluntary.

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

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

8 (a) In order to provide for disease control and enhance the
9 ability to trace disease-infected animals or animals that have been
10 exposed to disease, the commission may develop and implement a
11 voluntary ~~[an]~~ animal identification program that is, to the extent
12 required by federal law, consistent with the United States
13 Department of Agriculture's National Animal Identification System.

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

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

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

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

24 (c) The commission may permit ~~[require]~~ the use of official

1 identification numbers assigned as part of the animal
2 identification program for [~~animal disease control, animal~~
3 ~~emergency management, and~~] other commission programs.

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

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

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

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

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

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

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

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

1 (7) a state, municipal, or county emergency management
2 authority, for the purpose of management or response to natural or
3 man-made disasters [~~or~~

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

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

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

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

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

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

20 SECTION 3. The Texas Animal Health Commission shall:

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

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

1 Act.

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