

BILL ANALYSIS

Senate Research Center

H.B. 3330
By: Aycock (Estes)
Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Animal Health Commission (TAHC) operates a disease surveillance program for chronic wasting disease (CWD). CWD is a brain-wasting disease of elk and deer that has not been found in Texas, but has been detected in captive deer and/or elk herds in South Dakota, Wisconsin, Illinois, Minnesota, Montana, Kansas, Oklahoma, and New York. CWD also has been confirmed in wild deer and/or elk in Colorado, Wyoming, Nebraska, South Dakota, Utah, New Mexico, Wisconsin, Illinois, and New York.

Surveillance involves collecting and examining brain tissue from every deer or elk in the herd that dies. Because there is not a validated live animal test for CWD the surveillance testing occurs from slaughter, natural death, or hunter harvest to determine if the animal had the disease.

In Texas white tail deer are considered indigenous to the state and are under the regulatory jurisdiction of the Texas Parks and Wildlife Department (TPWD). However, elk are not indigenous to this state and are classified as exotic livestock and fall under the regulatory jurisdiction of TAHC. Captive white-tail deer are required to participate in a surveillance program for CWD at the direction of TPWD. CWD surveillance testing on deer has given TPWD a solid statistical surveillance sample. However, regarding the elk, there is very little voluntary testing, and this legislation provides the specific authority for TAHC to ensure that elk owners participate in the CWD surveillance system.

H.B. 3330 amends current law relating to a disease surveillance program for elk, and provides a penalty.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTION 1 (Section 161.0541, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 161, Agriculture Code, by adding Section 161.0541, as follows:

Sec. 161.0541. ELK DISEASE SURVEILLANCE PROGRAM. (a) Authorizes the Texas Animal Health Commission (TAHC) by rule to establish a disease surveillance program for elk.

(b) Requires that rules adopted under this section require each person who moves elk in this state to have elk tested for chronic wasting disease or other diseases as determined by TAHC; be designed to protect the health of the elk population in this state; and include provisions for testing, identification, transportation, and inspection under the disease surveillance program.

(c) Provides that a person commits an offense if the person knowingly violates a rule adopted by TAHC under this section.

(d) Provides that an offense under Subsection (c) is a Class C misdemeanor unless it is shown on the trial of the offense that the defendant has previously

been convicted of an offense under that subsection, in which event the offense is a Class B misdemeanor.

SECTION 2. Effective date: September 1, 2009.