

BILL ANALYSIS

C.S.H.B. 3330
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Animal Health Commission 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 elk herds in South Dakota, Wisconsin, Illinois, Minnesota, Montana, Kansas, Oklahoma, and New York. CWD has also been confirmed in wild deer 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. Since there is not a validated live animal test for CWD, the surveillance testing occurs at the time of slaughter, natural death, or hunter harvest to determine if the animal had the disease.

In Texas, white-tailed deer are considered indigenous to the state and are under the regulatory jurisdiction of the Texas Parks and Wildlife Department. Captive white-tailed deer are tested in a surveillance program for CWD at the direction of that department. CWD surveillance testing on deer has given the agency a solid statistical surveillance sample. However, elk are not indigenous to Texas and are classified as exotic livestock and fall under the regulatory jurisdiction of the commission. Without regulation, very few elk are tested.

C.S.H.B. 3330 provides specific authority for the Texas Animal Health Commission to ensure that elk owners participate in the CWD surveillance system.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3330 amends the Agriculture Code to authorize the Texas Animal Health Commission by rule to establish a disease surveillance program for elk. The bill requires rules adopted for elk disease surveillance to require each person who moves elk in Texas to have elk tested for chronic wasting disease or other diseases as determined by the commission, to be designed to protect the health of the elk population in Texas, and to include provisions for testing, identification, transportation, and inspection under the disease surveillance program.

C.S.H.B. 3330 makes it a Class C misdemeanor offense to knowingly violate a rule adopted by the commission relating to the elk disease surveillance program, unless it is shown on the trial of the offense that the defendant has been previously convicted of such an offense, in which event it is a Class B misdemeanor.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3330 differs from the original by authorizing the Texas Animal Health Commission by rule to establish an elk disease surveillance program, whereas the original required the commission to adopt rules to administer a testing program. The substitute refers to a disease surveillance program, rather than a disease testing surveillance program as in the original, but both the substitute and the original have a testing component. The substitute makes other technical changes. The substitute differs from the original by requiring the commission to adopt rules to require each person who moves elk in Texas to have elk tested, whereas the original directly requires any person who possesses and transports elk to test the elk in accordance with commission standards. The substitute creates an offense for knowingly violating a commission rule, whereas the original creates an offense specifically for failing to handle elk in accordance with commission rules. The substitute adds a requirement not in the original that rules adopted by the commission for the elk disease surveillance program be designed to protect the health of the elk population in Texas. The substitute changes the effective date of the act.