

By: Kleinschmidt

H.B. No. 3322

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 adding Subsections (a-1), (j), (k), (l), and (m) and amending Subsections (c) and (d) to read as follows:

(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 a conspicuous notice that the program is voluntary unless the United States Department of Agriculture imposes a mandatory national animal identification system.

(c) The commission may permit ~~[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 premises must be registered and may]~~ assess a registration fee on all entities that register for a premises identification number.

(j) The commission may not make the use of an animal identification program under this section mandatory unless a final federal rule adopted in accordance with 5 U.S.C. Section 553 makes the use of a national animal identification system by persons in this state mandatory. If the use of a national animal

1 identification system becomes mandatory as provided by this
2 subsection, the commission may adopt rules and implement a timeline
3 to make the program under this section mandatory, but the rules may
4 not be more stringent than the federal rule mandating the use of a
5 national animal identification system.

6 (k) The commission may not require the use of national
7 animal identification system-compliant premises registration or
8 animal identification numbers or devices as part of a government
9 program except as provided by Subsection (j).

10 (l) Unless the commission has developed rules and a timeline
11 for implementing a mandatory program under Subsection (j), a person
12 who participates in the program may withdraw from the program at any
13 time. The commission shall delete from the program all personal
14 information relating to a participant when the participant
15 withdraws from the program.

16 (m) A person may not condition a service, benefit, license,
17 payment, or permit on participation in a program under this section
18 unless the commission has adopted rules and a timeline for
19 implementing a mandatory program under Subsection (j).

20 SECTION 2. Sections 161.056(g) and (h), Agriculture Code,
21 are repealed.

22 SECTION 3. The Texas Animal Health Commission shall, not
23 later than November 1, 2009, provide notice of the changes to
24 Section 161.056, Agriculture Code, made by this Act to each person
25 registered on the effective date of this Act under that section and
26 provide the person with the opportunity to withdraw from the
27 program.

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, 2009.