

BILL ANALYSIS

Senate Research Center
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H.B. 2311
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the last three years, the Texas cattle industry has placed a renewed emphasis on controlling foreign animal diseases of concern.

Intrastate and interstate animal identification plans have recently been developed and implemented at the federal and state levels for the purpose of establishing a means to enable the cattle industry and state and federal animal health officials to more rapidly and effectively respond to animal health emergencies.

Upon review of the state statute that gives the Texas Animal Health Commission (TAHC) the authority to implement an intrastate program for Texas, it was discovered that there were references to a program at the federal level that no longer exists. H.B. 2311 deletes reference to this program.

H.B. 2311 clarifies that any state animal disease traceability program cannot be more stringent than any federal animal disease traceability program; repeals the penalty provisions that gave the TAHC Class C misdemeanor authority for violations relating to animal identification; and repeals the subsection that references the use of specific identification numbers that TAHC may consider in implementing an animal identification program. Additionally, the bill requires a two-thirds vote of the TAHC Board to adopt any program more stringent than federal law.

H.B. 2311 amends current law relating to an animal identification program.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Animal Health Commission (TAHC) is modified in SECTION 1 (Section 161.056, Agriculture Code) and SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 161.056(a), (c), and (d), Agriculture Code, as follows:

(a) Authorizes the Texas Animal Health Commission (TAHC), in order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, to develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program, rather than an animal identification program that is consistent with the United States Department of Agriculture's National Animal Identification System.

(c) Authorizes TAHC to adopt rules to require the use of official identification as part of the animal identification program under Subsection (a) for animal disease control or animal emergency management, rather than authorizes TAHC to require the use of official identification numbers assigned as part of the animal identification program for animal disease control, animal emergency management, and other TAHC programs.

(d) Authorizes TAHC to by a two-thirds vote adopt rules to provide for an animal identification program more stringent than a program allowed by Subsection (a) only for

control of a specific animal disease or for animal emergency management, rather than authorizes TAHC to establish a date by which all premises must be registered and to assess a registration fee on all entities that register for a premises identification number.

SECTION 2. Repealers: Sections 161.056(b) (relating to authorizing TAHC to recognize certain numbers as official identification numbers in the state), (g) (relating to providing that a person commits an offense if the person fails to comply with an order or rule adopted under this section), and (h) (relating to an offense under Subsection (g) being a Class C misdemeanor unless it is shown on the trial of the offense that the defendant has been convicted previously under this section, in which case the offense is a Class B misdemeanor), Agriculture Code.

SECTION 3. (a) Provides that the changes in law made by this Act to Section 161.056 (Animal Identification Program), Agriculture Code, do not supersede rules of TAHC implementing an animal identification program adopted under Section 161.056, Agriculture Code, prior to the amendment of that section by this Act. Provides that those rules are continued in effect until amended or repealed as if this Act had not been enacted, and the former law is continued in effect for that purpose.

(b) Requires that rules adopted under Section 161.056, Agriculture Code, and amendments to existing rules adopted under Section 161.056, Agriculture Code, after the effective date of this Act be made in conformity with the changes in law made by this Act.

SECTION 4. (a) Provides that the repeal by this Act of Section 161.056(g), Agriculture Code, does not apply to an offense committed under that subsection before the effective date of this Act. Provides that, for purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Provides that an offense committed before the effective date of this Act is governed by Section 161.056(g), Agriculture Code, as it existed when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: upon passage or September 1, 2013.