

BILL ANALYSIS

C.S.H.B. 2311
By: Kacal
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that intrastate and interstate animal identification plans have recently been developed and implemented on federal and state levels for the purpose of establishing a means to enable federal and state animal health officials to more rapidly and effectively respond to animal health emergencies. The parties further note the need for clarification of state statute due to disparities in federal and state programs. C.S.H.B. 2311 seeks to address this need by clarifying provisions relating to a state animal identification program.

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. 2311 amends the Agriculture Code to authorize the Texas Animal Health Commission, 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 authorizing the commission for those purposes to develop and implement an animal identification program that is consistent with the U.S. Department of Agriculture's National Animal Identification System. The bill authorizes the commission by a two-thirds vote to adopt rules to provide for a more stringent animal identification program only for control of a specific animal disease or for animal emergency management. The bill authorizes the commission to adopt rules to require the use of official identification as part of the animal identification program for animal disease control or animal emergency management.

C.S.H.B. 2311 repeals the authorization of the commission to recognize certain identification numbers as official identification numbers in Texas and provisions making it a Class C misdemeanor offense to fail to comply with an order or rule adopted under provisions relating to the state animal identification program and making it a Class B misdemeanor offense for a subsequent conviction. The bill removes language authorizing the commission 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.

C.S.H.B. 2311 establishes that its provisions do not supersede rules of the commission implementing an applicable animal identification program prior to the bill's effective date. The bill establishes that those rules are continued in effect until amended or repealed as if the bill had not been enacted, and continues the former law in effect for that purpose.

C.S.H.B. 2311 repeals Sections 161.056(b), (g), and (h), Agriculture Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2311 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 161.056(a) and (c), Agriculture Code, are amended to read as follows:

(a) In order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, the commission may develop and implement **a state ~~an~~ animal identification program for a species** that is **no more stringent than the federal animal disease traceability or animal identification program for that species** ~~[consistent with the United States Department of Agriculture's National Animal Identification System]~~.

(c) The commission may require the use of official identification **numbers assigned** as part of the **state** animal identification program **[for animal disease control, animal emergency management, and other commission programs]**.

No equivalent provision, but see the repeal of Sec. 161.056(d) in SECTION 4 below.

SECTION 2. Section 163.064(c), Agriculture Code, is amended to read as follows:

(c) The commission may by rule regulate and require the vaccination of female cattle within all or any of the area classifications. Among other rules, the commission may adopt rules providing for:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 161.056(a), (c), and (d), Agriculture Code, are amended to read as follows:

(a) In order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, the commission may develop and implement **an** animal identification program that is **no more stringent than a federal animal disease traceability or other federal animal identification program** ~~[consistent with the United States Department of Agriculture's National Animal Identification System]~~.

(c) The commission may **adopt rules to** require the use of official identification **[numbers assigned]** as part of the animal identification program **under Subsection (a) for animal disease control or [;] animal emergency management** ~~[, and other commission programs]~~.

(d) The commission may **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** ~~[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]~~.

No equivalent provision.

- (1) the identification of cattle to be vaccinated consistent with Section 161.056;
- (2) approval of the vaccine used; and
- (3) the method of administering the vaccine.

SECTION 3. Section 163.065(a), Agriculture Code, is amended to read as follows:

(a) If a tested animal shows evidence of infection with brucellosis, the person performing the test shall handle the animal in accordance with the rules of the commission. The commission may prescribe requirements according to the classification of the area in which the animal is located. Among other requirements, the commission may require the person performing the test to:

- (1) furnish the owner of the animal with written data showing that the animal is infected;
- (2) fire brand the animal on the left jaw with the letter "B"; and
- (3) place an approved, numbered identification on the animal consistent with Section 161.056~~[-; and~~
~~[(4) report the identification number in writing to the commission].~~

SECTION 4. Sections 161.056(b), **(d)**, (g), and (h), Agriculture Code, are repealed.

No equivalent provision.

No equivalent provision.

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

SECTION 3. (a) The changes in law made by this Act to Section 161.056, Agriculture Code, do not supersede rules of the Texas Animal Health Commission implementing an animal identification program adopted under Section 161.056, Agriculture Code, prior to the amendment of that section by this Act. 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) 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 must be made in conformity with the changes in law made by this Act.

SECTION 5. (a) 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. 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) 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 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.