By:  Springer H.B. No. 1591

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of disease control by the Animal Health Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 161.041(a), (b), (c), (d), (f), and (g), Agriculture Code, are amended to read as follows:

Sec. 161.041.  DISEASE CONTROL. (a) The commission shall protect all livestock, exotic livestock, native cervidae, domestic fowl, and exotic fowl from the following:

(1)  tuberculosis;

(2)  anthrax;

(3)  glanders;

(4)  infectious abortion;

(5)  hemorrhagic septicemia;

(6)  hog cholera;

(7)  Malta fever;

(8)  foot-and-mouth disease;

(9)  rabies among animals other than canines;

(10)  bacillary white diarrhea among fowl;

(11)  equine infectious anemia; [~~and~~]

(12)  transmissible spongiform encephalopathies; and

(13)  other diseases recognized as communicable by the veterinary profession.

(b)  The commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, native cervidae, domestic fowl, or exotic fowl, regardless of whether the disease is communicable, even if the agent of transmission is an animal species that is not subject to the jurisdiction of the commission. The commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

(c)  A person commits an offense if the person knowingly fails to handle, in accordance with rules adopted by the commission, livestock, exotic livestock, native cervidae, domestic fowl, or exotic fowl:

(1)  infected with a disease listed in Subsection (a);

(2)  exposed, as defined by commission rule, to a disease listed in Subsection (a) if the commission has notified the person that the animal was exposed to the disease; or

(3)  subject to a testing requirement due to a risk of exposure, as defined by commission rule, to a specific disease if the commission has notified the person of the testing requirement.

(d)  A person commits an offense if the person knowingly fails to identify or refuses to permit an agent of the commission to identify, in accordance with rules adopted by the commission, livestock, exotic livestock, native cervidae, domestic fowl, or exotic fowl infected with a disease listed in Subsection (a).

(e)  An offense under Subsection (c) or (d) of this section is a Class C misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted under this section, in which event the offense is a Class B misdemeanor.

(f)  In complying with this section, the commission shall [~~may not infringe on or supersede the authority of any other agency of this state, including the authority of the Parks and Wildlife Department relating to wildlife. If a conflict of authority occurs, the commission shall assume responsibility for disease control efforts, but~~] work collaboratively with the Parks and Wildlife Department [~~other agency~~] to enable each agency to effectively carry out its responsibilities.

(g)  The commission's authority to control or eradicate an agent of transmission that is an animal species that is not subject to the jurisdiction of the commission is limited to instances when a disease that threatens livestock, exotic livestock, native cervidae, domestic fowl, or exotic fowl has been confirmed or is suspected to exist in that species and the commission determines that a serious threat to livestock, exotic livestock, native cervidae, domestic fowl, or exotic fowl exists.

SECTION 2.  Section 43.357, Parks and Wildlife Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  The commission shall not make regulations concerning movement within the release site for breeder deer based on disease control under the jurisdiction of the Animal Health Commission under Section 161.041, Agriculture Code.

SECTION 3.  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, 2019.