

By: Springer

H.B. No. 1591

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of disease control by the Animal Health
3 Commission.

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

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

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

- 10 (1) tuberculosis;
- 11 (2) anthrax;
- 12 (3) glanders;
- 13 (4) infectious abortion;
- 14 (5) hemorrhagic septicemia;
- 15 (6) hog cholera;
- 16 (7) Malta fever;
- 17 (8) foot-and-mouth disease;
- 18 (9) rabies among animals other than canines;
- 19 (10) bacillary white diarrhea among fowl;
- 20 (11) equine infectious anemia; [~~and~~]
- 21 (12) transmissible spongiform encephalopathies; and
- 22 (13) other diseases recognized as communicable by the
23 veterinary profession.

24 (b) The commission may act to eradicate or control any

1 disease or agent of transmission for any disease that affects
2 livestock, exotic livestock, native cervidae, domestic fowl, or
3 exotic fowl, regardless of whether the disease is communicable,
4 even if the agent of transmission is an animal species that is not
5 subject to the jurisdiction of the commission. The commission may
6 adopt any rules necessary to carry out the purposes of this
7 subsection, including rules concerning testing, movement,
8 inspection, and treatment.

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

- 13 (1) infected with a disease listed in Subsection (a);
14 (2) exposed, as defined by commission rule, to a
15 disease listed in Subsection (a) if the commission has notified the
16 person that the animal was exposed to the disease; or
17 (3) subject to a testing requirement due to a risk of
18 exposure, as defined by commission rule, to a specific disease if
19 the commission has notified the person of the testing requirement.

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

25 (e) An offense under Subsection (c) or (d) of this section
26 is a Class C misdemeanor unless it is shown on the trial of the
27 offense that the defendant has been previously convicted under this

1 section, in which event the offense is a Class B misdemeanor.

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

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

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

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

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section [39](#), Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2019.