

BILL ANALYSIS

C.S.H.B. 3855
By: Rogers
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted in a recent Sunset Advisory Commission report that under Texas law, the term "hog cholera" does not align with the more common and updated term of the disease, "classical swine fever," that is used at the federal level. Under current Texas statute, owners and county agents are authorized to vaccinate hogs for classical swine fever, formerly known as hog cholera, but that access to and use of that live virus vaccine is restricted at the federal level because classical swine fever has been eradicated in the United States and is now considered a foreign animal disease. The classical swine fever virus is also on the federal list of controlled biological agents and toxins. C.S.H.B. 3855 seeks to address this discrepancy by updating the disease name and authorizing the Texas Animal Health Commission to adopt rules for the methods of disease eradication and to vaccinate, inoculate, or treat hogs with classical swine fever.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTION 4 of this bill.

ANALYSIS

C.S.H.B. 3855 amends the Agriculture Code to specify that a representative of the Texas Animal Health Commission (TAHC) or other TAHC-authorized person is authorized to vaccinate, inoculate, or treat hogs with classical swine fever. The bill removes authorization for a hog owner or a county demonstration agent to engage in those activities. The bill authorizes the TAHC by a two-thirds vote to adopt rules for the enforcement of the cooperative program for disease eradication, including rules providing for the manner, method, and system of eradicating swine diseases, that are more stringent than minimum standards for cooperative programs adopted by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service. The bill replaces language referencing hog cholera with language referencing classical swine fever but establishes that such references are a clarification of existing law and do not imply that existing law may be construed as inconsistent with the law as amended by the bill.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3855 differs from the original by removing a provision that included classical swine fever among the diseases listed in statutory provisions relating to TAHC's general powers and duties with respect to disease control.