

By: Rogers

H.B. No. 3854

A BILL TO BE ENTITLED

AN ACT

relating to animal disease control by the Texas Animal Health Commission; providing an administrative penalty.

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

SECTION 1. Section 161.041(a), Agriculture Code, is amended to read as follows:

(a) The commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from the following:

- (1) tuberculosis;
- (2) anthrax;
- (3) glanders;
- (4) brucellosis [~~infectious abortion~~];
- (5) hemorrhagic septicemia;
- (6) classical swine fever [~~hog cholera~~];
- (7) [~~Malta fever~~];
- (8) [~~(8)~~] foot-and-mouth disease;
- (9) [~~(9)~~] rabies among animals other than canines;
- (10) pullorum disease [~~(10) bacillary white diarrhea among fowl~~];
- (11) [~~(11)~~] equine infectious anemia; [~~and~~]
- (12) fowl typhoid;
- (13) scabies; and
- (14) [~~(12)~~] other diseases recognized as communicable by the veterinary profession.

1 SECTION 2. Section 161.0415(a), Agriculture Code, is
2 amended to read as follows:

3 (a) The commission by order may require the slaughter of
4 livestock, domestic fowl, or exotic fowl, under the direction of
5 the commission, or the sale of livestock, domestic fowl, or exotic
6 fowl for immediate slaughter at a public slaughtering establishment
7 maintaining federal or state inspection if the livestock, domestic
8 fowl, or exotic fowl is exposed to or infected with a disease other
9 than bluetongue or vesicular stomatitis that:

10 (1) is recognized by the United States Department of
11 Agriculture as:

12 (A) a foreign animal disease; or

13 (B) a reportable animal disease;

14 (2) is the subject of a cooperative eradication
15 program with the United States Department of Agriculture;

16 (3) is an animal disease reportable to the World
17 Organisation for Animal Health [~~named on "List A" of the Office~~
18 ~~International Des Epizooties~~]; or

19 (4) is the subject of a state of emergency, as declared
20 by the governor.

21 SECTION 3. Section 161.061, Agriculture Code, is amended by
22 amending Subsection (a) and adding Subsection (d) to read as
23 follows:

24 (a) If the commission determines or is informed that a
25 disease listed in Section 161.041 [~~of this code~~] exists in another
26 state, territory, or country, the commission may [~~shall~~] establish
27 a quarantine against all or the portion of the state, territory, or

1 country in which the disease exists.

2 (d) The commission by rule may delegate its authority to
3 establish a quarantine under this section to the executive
4 director, who shall promptly notify the members of the commission
5 when a quarantine is established.

6 SECTION 4. Sections 161.101(a) and (b), Agriculture Code,
7 are amended to read as follows:

8 (a) A veterinarian, a veterinary diagnostic laboratory, or
9 a person having care, custody, or control of an animal shall report
10 the existence of the following diseases among livestock, exotic
11 livestock, bison, domestic fowl, or exotic fowl to the commission
12 within 24 hours after diagnosis of the disease:

- 13 (1) anthrax;
- 14 (2) avian chlamydiosis;
- 15 (3) avian infectious laryngotracheitis;
- 16 (4) [~~(3)~~ avian influenza;
- 17 [~~(4) avian tuberculosis,~~]
- 18 (5) bovine trichomoniasis;
- 19 (6) chronic wasting disease;
- 20 (7) duck virus enteritis;
- 21 (8) duck virus hepatitis;
- 22 (9) equine encephalomyelitis;
- 23 (10) equine herpesvirus-1 [~~herpes virus-1~~];
- 24 (11) equine infectious anemia;
- 25 (12) equine viral arteritis;
- 26 (13) infectious encephalomyelitis in poultry or other
27 fowl;

1 (14) [~~ornithosis,~~
2 [~~(15)~~] paramyxovirus infection in poultry or other
3 fowl; [~~or~~]

4 (15) [~~(16)~~] scabies in sheep or cattle;

5 (16) Schmallenberg virus; or

6 (17) tuberculosis.

7 (b) In addition to reporting required by Subsection (a), the
8 commission may adopt rules that require a veterinarian, a
9 veterinary diagnostic laboratory, or a person having care, custody,
10 or control of an animal to report the existence of a disease other
11 than bluetongue in an animal to the commission within 24 hours after
12 diagnosis if the disease:

13 (1) is recognized by the United States Department of
14 Agriculture as:

15 (A) a foreign animal disease; or

16 (B) a reportable animal disease;

17 (2) is the subject of a cooperative eradication
18 program with the United States Department of Agriculture;

19 (3) is an animal [~~a~~] disease reportable to the World
20 Organisation for Animal Health [~~Office International Des~~
21 ~~Epizooties~~]; or

22 (4) is the subject of a state of emergency, as declared
23 by the governor.

24 SECTION 5. Sections 161.148(a) and (d), Agriculture Code,
25 are amended to read as follows:

26 (a) The commission may impose an administrative penalty on
27 [~~against~~] a person who violates this subtitle or a rule or order

1 adopted under this subtitle.

2 (d) If the [~~An~~] executive director [~~who~~] determines that a
3 violation has occurred, the director may issue to the commission a
4 report that states the facts on which the determination is based and
5 the director's recommendation on the imposition of a penalty,
6 including a recommendation on the amount of the penalty.

7 SECTION 6. This Act takes effect September 1, 2021.