

BILL ANALYSIS

C.S.H.B. 4616

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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of Agriculture (TDA) has authority under state law to stop certain commerce through a written stop-sale order, to seize products, and to destroy infested, infected, or non-compliant products. These products are often the private property of Texas agriculture producers. Certain parties have suggested the legislature would benefit from greater awareness when TDA seizes and destroys agriculture products. Requiring notification of these actions would help ensure policy makers are aware of issues that may need addressing. C.S.H.B. 4616 seeks to address this issue by establishing a notice requirement when TDA issues certain stop-sale orders applicable to plant products or seizes or destroys those products.

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 a person's for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4616 amends the Agriculture Code to require the Department of Agriculture (TDA) to notify the governor, lieutenant governor, speaker of the house of representatives, and chairs of the house and senate committees with primary jurisdiction over TDA of the following:

- a stop-sale order that is applicable to a plant product and issued under statutory provisions relating to organic standards and certification, citrus budwood and citrus nursery trees, or inspection of nursery products and florist items; or
- the seizure or destruction of any plant product authorized by TDA.

C.S.H.B. 4616 requires such a notification to be made within 24 hours of the issuance of the applicable order or the action taken and to include the following information:

- the date and time of the order or action;
- the location of the plant product barred from sale, seized, or destroyed;
- the reason for the order or action, including the agency rule and statute used as justification for the order or action;
- the type and quantity of the plant product barred from sale, seized, or destroyed;
- if known, the name and contact information of the owner or operator responsible for the plant product;
- the name and contact information of the inspector or other person responsible for the order or action; and
- any other information considered relevant by TDA.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF ORIGINAL TO SUBSTITUTE

While C.S.H.B. 4616 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill. Whereas the introduced required TDA to provide notice each time it issues a stop-sale order or otherwise seizes, bars the sale of, or destroys any plant or animal product, the substitute requires TDA to provide notice only for the seizure or destruction of any plant product or a stop-sale order that is applicable to a plant product and issued under statutory provisions relating to organic standards and certification, citrus budwood and citrus nursery trees, or the inspection of nursery products and florist items. While both the introduced and substitute require notice to be provided to legislative committees, the substitute specifies that the committees are the house and senate committees with primary jurisdiction over TDA and that the notice is to be delivered to the chairs of those committees, whereas the introduced did not specify that information.