

BILL ANALYSIS

Senate Research Center
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S.B. 2036
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Water, Agriculture & Rural Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is essential that the Texas Animal Health Commission (TAHC) establish and maintain appropriate biosecurity practices, and an essential component of such practices is to ensure biosecurity information is kept confidential. S.B. 2036 ensures that information relating to TAHC's biosecurity plan, a secure food supply plan, an emergency preparedness plan or biosecurity data provided to the commission by the owner or caretaker of an animal is confidential, except for designated governmental entities and individuals.

Key Provisions

- Requires information relating to a biosecurity plan, a secure food supply plan, an emergency preparedness plan or biosecurity data provided to the Texas Animal Health Commission by an owner or caretaker of an animal be exempted from public disclosure under Chapter 552, Government Code, except for the following entities:
 - Office of the Attorney General, for law enforcement purposes;
 - Secretary of the United States Department of Agriculture, for the purpose of animal health protection;
 - Secretary of the United States Department of Homeland Security, for the purpose of homeland security;
 - Department of Health State Services, for purposes of protecting the public;
 - Federal, state, municipal, or county emergency authorities, for the purpose of response to natural or man-made disasters; and
 - Any person designated by the director of TAHC based on certain conditions.
- TAHC's release of information does not affect the confidentiality of information, is not an offense, and is not considered a voluntary disclosure.

As proposed, S.B. 2036 amends current law relating to the confidentiality of certain biosecurity and other sensitive information shared with the Texas Animal Health Commission.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 161, Agriculture Code, by adding Section 161.009, as follows:

Sec. 161.009. CONFIDENTIALITY OF BIOSECURITY AND OTHER SENSITIVE INFORMATION. (a) Provides that information held by the Texas Animal Health Commission (TAHC), except as provided by Subsections (b) and (c), is confidential and excepted from disclosure under Chapter 552 (Public Information), Government Code, if the information consists of or relates to a biosecurity plan, a secure food supply plan, an emergency preparedness plan, or biosecurity data that was voluntarily provided to TAHC by an owner or caretaker of an animal.

(b) Authorizes TAHC to release information described by Subsection (a) to:

- (1) the Office of the Attorney General, for the purpose of law enforcement;
- (2) the secretary of the United States Department of Agriculture, for the purpose of animal health protection;
- (3) the secretary of the Department of Homeland Security, for the purpose of homeland security;
- (4) the Department of State Health Services, for the purpose of protecting the public health from zoonotic diseases;
- (5) any person, if required by a court order;
- (6) a federal, state, municipal, or county emergency management authority, for the purpose of management or response to natural or man-made disasters; or
- (7) any person the executive director of TAHC (executive director) considers appropriate, if:

(A) the executive director determines that:

- (i) livestock may be threatened by a disease, agent, or pest; and
- (ii) the release of the information is related to actions TAHC is authorized to take in performance of its powers and duties; or

(B) the executive director determines that the release of the information is necessary for emergency management purposes under Chapter 418 (Emergency Management), Government Code.

(c) Provides that TAHC's release of confidential information under Subsection (b):

- (1) does not affect the confidentiality of the information;
- (2) is not an offense under Section 552.352 (Distribution or Misuse of Confidential Information), Government Code; and
- (3) is not a voluntary disclosure for purposes of Section 552.007 (Voluntary Disclosure of Certain Information When Disclosure Not Required), Government Code.

SECTION 2. Effective date: September 1, 2023.