88R11735 KBB-D

By:  Kolkhorst S.B. No. 2036

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain biosecurity and other sensitive information shared with the Texas Animal Health Commission.

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

SECTION 1.  Subchapter A, Chapter 161, Agriculture Code, is amended by adding Section 161.009 to read as follows:

Sec. 161.009.  CONFIDENTIALITY OF BIOSECURITY AND OTHER SENSITIVE INFORMATION. (a) Except as provided by Subsections (b) and (c), information held by the commission is confidential and excepted from disclosure under Chapter 552, 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 the commission by an owner or caretaker of an animal.

(b)  The commission may release information described by Subsection (a) to:

(1)  the attorney general's office, 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 the commission 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 the commission may 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, Government Code.

(c)  The commission'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, Government Code; and

(3)  is not a voluntary disclosure for purposes of Section 552.007, Government Code.

SECTION 2.  This Act takes effect September 1, 2023.