

By: Kolkhorst

S.B. No. 2036

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the confidentiality of certain biosecurity and other
3 sensitive information shared with the Texas Animal Health
4 Commission.

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

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

8 Sec. 161.009. CONFIDENTIALITY OF BIOSECURITY AND OTHER
9 SENSITIVE INFORMATION. (a) Except as provided by Subsections (b)
10 and (c), information held by the commission is confidential and
11 excepted from disclosure under Chapter 552, Government Code, if the
12 information consists of or relates to a biosecurity plan, a secure
13 food supply plan, an emergency preparedness plan, or biosecurity
14 data that was voluntarily provided to the commission by an owner or
15 caretaker of an animal.

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

18 (1) the attorney general's office, for the purpose of
19 law enforcement;

20 (2) the secretary of the United States Department of
21 Agriculture, for the purpose of animal health protection;

22 (3) the secretary of the Department of Homeland
23 Security, for the purpose of homeland security;

24 (4) the Department of State Health Services, for the

1 purpose of protecting the public health from zoonotic diseases;

2 (5) any person, if required by a court order;

3 (6) a federal, state, municipal, or county emergency
4 management authority, for the purpose of management or response to
5 natural or man-made disasters; or

6 (7) any person the executive director of the
7 commission considers appropriate, if:

8 (A) the executive director determines that:

9 (i) livestock may be threatened by a
10 disease, agent, or pest; and

11 (ii) the release of the information is
12 related to actions the commission may take in performance of its
13 powers and duties; or

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

17 (c) The commission's release of confidential information
18 under Subsection (b):

19 (1) does not affect the confidentiality of the
20 information;

21 (2) is not an offense under Section 552.352,
22 Government Code; and

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

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