

## **BILL ANALYSIS**

C.S.H.B. 238  
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Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The U.S. Department of Agriculture (USDA) has reported the spread of New World Screwworm near the U.S.-Mexico border. In an August 2025 press release, the USDA stated that the screwworm "threatens over \$100 billion in United States economic activity tied to the cattle and livestock industry alone," and reporting from Reuters cites additional USDA estimates that a screwworm outbreak could cost the Texas economy "\$1.8 billion in livestock deaths, labor costs and medication expenses." C.S.H.B. 238 seeks to ensure that Texas is able to detect, prevent, and respond swiftly to any potential screwworm incursion by granting the Texas Animal Health Commission express authority to control pest infestations, including with respect to quarantining, mandated reporting, disposal guidelines, and notice requirements.

### **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 the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTIONS 6, 8, 18, 20, 24, 33, and 34 of this bill.

### **ANALYSIS**

C.S.H.B. 238 amends the Agriculture Code to provide for the power of the Texas Animal Health Commission (TAHC) to control or eradicate pests by updating existing statutory provisions relating to the control and eradication of animal disease.

C.S.H.B. 238 does the following:

- requires the commissioners court of each county to cooperate with and assist the TAHC in protecting livestock, domestic animals, and domestic fowl from pests, regardless of whether a particular pest exists in the county;
- regarding the disposal of animal carcasses:
  - requires a person who is the owner or caretaker of livestock, exotic livestock, domestic fowl, or exotic fowl that die from a pest listed in TAHC rules as requiring eradication or control, or who owns or controls the land on which the animal dies or on which the carcasses are found, to dispose of the carcasses in the manner required by the TAHC; and
  - makes the requirement for the TAHC to determine the most effective methods of disposing of diseased carcasses, including methods other than burning or burial, also applicable to infected or infested carcasses;
- makes the criteria by which an animal disease exposure or infection is considered continuing applicable to a pest infestation; and

- includes protecting the public health from pests, in addition to protecting the public health from zoonotic diseases, as a purpose for which the TAHC may release certain confidential biosecurity and other sensitive information held by the TAHC to the Department of State Health Services.

C.S.H.B. 238 revises statutory provisions relating to disease control among livestock, exotic livestock, domestic fowl, and exotic fowl to also provide for pest control by doing the following:

- requiring the TAHC to protect all such livestock and fowl from pests the TAHC determines require control or eradication and to adopt and periodically update rules listing the pests that require control or eradication by the TAHC;
- authorizing the TAHC to act to eradicate or control any pest that affects such livestock and fowl;
- expanding the conduct that constitutes the Class C misdemeanor offense of knowingly failing to handle, in accordance with rules adopted by the TAHC, diseased livestock or fowl to include such failure to handle livestock or fowl:
  - infested with a pest listed by the TAHC by rule as requiring control or eradication;
  - exposed, as defined by TAHC rule, to such a listed pest if the TAHC has notified the person that the animal was exposed to the pest; or
  - subject to a testing requirement due to a risk of exposure, as defined by TAHC rule, to a specific pest if the TAHC has notified the person of the testing requirement;
- including knowingly failing to identify, or refusing to permit an agent of the TAHC to identify, in accordance with rules adopted by the TAHC, livestock or fowl infected with a pest listed by the TAHC by rule as requiring control or eradication among the conduct that constitutes a Class C misdemeanor offense;
- requiring the TAHC, if a conflict of authority with another state agency occurs with respect to pest control efforts, to assume responsibility for those efforts, but work collaboratively with the other agency to enable each agency to effectively carry out its responsibilities; and
- expanding the TAHC's authority to control or eradicate an agent of transmission that is an animal species that is not subject to TAHC's jurisdiction only in specified instances to include instances when a pest that threatens livestock, exotic livestock, domestic fowl, or exotic fowl has been confirmed or is suspected to exist in that species and the TAHC determines that a serious threat to livestock, exotic livestock, domestic fowl, or exotic fowl exists.

With respect to the requirement for a seller, distributor, or transporter of live domestic or exotic fowl in Texas to register with the TAHC, C.S.H.B. 238 authorizes the TAHC to exempt from such registration a person participating in a pest surveillance program recognized by the TAHC.

C.S.H.B. 238 revises statutory provisions regarding the regulation and registration of feral swine holding facilities, as follows:

- includes pest control as a purpose for which the TAHC may require the registration of feral swine holding facilities;
- includes prevention of the spread of pests as a purpose for which the TAHC may require a person to register with the TAHC if the person confines feral swine in a holding facility for slaughter, sale, exhibition, hunting, or any other purpose specified by TAHC rule;
- expands the purposes for which rules regarding the regulation and registration of feral swine holding facilities may be adopted to include pest control purposes; and
- requires applicable adopted rules to include provisions for pest testing.

C.S.H.B. 238 makes the TAHC's authority relating to the disposal of diseased or exposed livestock or fowl also applicable to the disposal of infested livestock or fowl as follows:

- authorizes the TAHC by order to require the slaughter of livestock, domestic fowl, or exotic fowl, under the TAHC's direction, or the sale of livestock, domestic fowl, or exotic fowl for immediate slaughter at a public slaughtering establishment maintaining federal or state inspection if the livestock or fowl is exposed to or infested with a pest that meets applicable criteria specified under the current law; and
- authorizes the TAHC by order to require the slaughter and disposal of livestock, domestic fowl, or exotic fowl exposed to or infested with a pest that does not meet the applicable criteria if the TAHC determines that action to be necessary for the protection of animal health in Texas.

C.S.H.B. 238 revises the existing authorization for the TAHC to prepare and plan for, respond to, and aid in the recovery from disaster events that may affect livestock, exotic livestock, domestic fowl, or exotic fowl by expressly including pest infestations among the applicable disaster events.

C.S.H.B. 238 requires a person, including a veterinarian, to be authorized by the TAHC in order to engage in an activity that is part of a state or federal pest control or eradication program for animals.

C.S.H.B. 238 authorizes the TAHC to require treatment or certification of animals that are subject to regulation under the following authorizations as reasonably necessary to protect against pests:

- the authorization for the TAHC to regulate the entry of livestock, domestic animals, and domestic fowl into exhibitions, shows, and fairs; and
- the authorization for the TAHC to regulate the movement of livestock out of stockyards or railway shipping pens.

C.S.H.B. 238 replaces references to "insect" and "insects" with references to "pest" and "pests," respectively, in the following provisions relating to the inspection of shipments of animals or animal products:

- the provision entitling an agent of the TAHC to stop and inspect such a shipment being transported in Texas in order to determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease; and
- the provision establishing that "animal product" includes any substance capable of carrying insects that may endanger the livestock industry.

C.S.H.B. 238 revises the authorization for the TAHC to adopt a joint memorandum of understanding with another state that includes provisions under which the TAHC and the other state may provide assistance to each other in the case of an animal disease outbreak by also authorizing such a memorandum to provide for such assistance regarding pest infestation.

C.S.H.B. 238 authorizes the TAHC by rule to require testing for pests before movement of a feral swine from one location to another.

C.S.H.B. 238 authorizes the TAHC by rule to establish a pest surveillance program for elk, in addition to the existing authority to establish a disease surveillance program for elk, and requires rules for the pest surveillance program to meet the following criteria:

- require each person who moves elk in Texas to have elk tested for pests as determined by the TAHC;
- be designed to protect the health of the elk population in Texas; and
- include provisions for testing, identification, transportation, and inspection under the program.

C.S.H.B. 238 requires the TAHC, on becoming aware of a wildlife pest infestation on a property, to provide notice of the location and nature of the infestation to each owner of adjacent property

and to the Parks and Wildlife Department, but this requirement applies only to a pest that the TAHC has designated as reportable.

C.S.H.B. 238 authorizes the TAHC to require slaughter plants to collect and submit blood samples and other specimens for testing for pests, in addition to the existing authority to require such collection and submission to test for disease. The bill accordingly removes the specification that the collected specimens are diagnostic specimens.

C.S.H.B. 238 revises provisions governing the animal identification program by doing the following:

- including providing for pest control and enhancing the ability to trace pest-infested animals or animals that have been exposed to pests among the purposes for which the TAHC may develop and implement such a program; and
- updating provisions regarding the administration of the program accordingly.

C.S.H.B. 238 authorizes the TAHC by rule to prescribe criteria for classifying areas in Texas for pest control, subject to the same provisions as the criteria for classifying areas for disease control.

C.S.H.B. 238 makes provisions authorizing the TAHC to pay an indemnity to the owner of livestock, domestic fowl, or exotic fowl exposed to or infected with a disease if the TAHC considers it necessary to eradicate the disease and to dispose of the exposed or diseased livestock or fowl also applicable with respect to livestock, domestic fowl, or exotic fowl exposed to or infested with a pest.

C.S.H.B. 238 clarifies that the designation of the Texas A&M Veterinary Medical Diagnostic Laboratory as the state's regulatory animal health laboratory does not prevent the TAHC from collecting specimens and performing field tests to identify pest infestations.

C.S.H.B. 238 authorizes the TAHC to establish quarantines related to a pest listed in TAHC rules as requiring control or eradication and to quarantine livestock, exotic livestock, domestic fowl, or exotic fowl in all or any part of Texas as a means of immediately restricting the movement of animals potentially infested with pests. Such quarantines are subject to the same provisions as quarantines established by the TAHC relating to animal disease.

C.S.H.B. 238 makes provisions requiring reports of diseased animals by veterinarians and certain other entities also applicable to pest-infested animals. Specifically, the bill does the following:

- requires a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report to the TAHC the existence of pests listed in TAHC rules among livestock, exotic livestock, bison, domestic fowl, or exotic fowl within 24 hours after diagnosis of the identification of the pest infestation;
- requires the TAHC to adopt and periodically update rules listing the pests that the TAHC determines require such reporting; and
- provides for the TAHC's authority to adopt additional rules regarding the reporting of pests that are not listed in TAHC rules but meet other applicable criteria specified in current law.

C.S.H.B. 238 includes protection against the spread of pests among the purposes for which the TAHC:

- is required, following notice and a public hearing, to adopt rules relating to the movement of livestock, exotic livestock, and exotic fowl from livestock markets and to require tests, immunization, or treatment; and
- is authorized, following notice and a public hearing, to adopt rules requiring permits for moving exotic livestock and exotic fowl from livestock markets.

C.S.H.B. 238 makes restrictions on the sale, delivery, release, or diversion of diseased cattle also applicable to pest-infested cattle.

C.S.H.B. 238 does the following with respect to offenses relating to disease and pest control:

- includes failure to dispose of a pest-infested carcass in the manner required by the TAHC among the conduct that constitutes the offense of improper disposal of an animal carcass;
- for the offense of refusal to permit the examination of an animal or carcass, includes as conduct constituting the offense that a person:
  - refuses to allow the TAHC or an agent of the TAHC to examine an animal or all or part of an animal carcass that is owned by or possessed by the person and that the TAHC or agent has reason to believe is affected by a pest; or
  - hinders or obstructs the TAHC or its agent in such an examination; and
- for the offense of permitting movement of an animal in violation of a TAHC quarantine, adds references to pest carriers to conform to the expanded scope of TAHC's quarantine authority.

C.S.H.B. 238 requires the TAHC to adopt rules to implement the bill's provisions as soon as is practicable after the bill's effective date.

### **EFFECTIVE DATE**

91st day after the last day of the legislative session.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 238 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.

The substitute includes provisions absent from the introduced version that do the following:

- authorize the TAHC to exempt a person who participates in a pest surveillance program recognized by the TAHC from the domestic and exotic fowl registration requirement;
- with respect to statutory provisions regarding the regulation and registration of feral swine holding facilities:
  - include pest control as a purpose for which the TAHC may require the registration of feral swine holding facilities;
  - include prevention of the spread of pests as a purpose for which the TAHC may require a person to register with the TAHC if the person confines feral swine in a holding facility for slaughter, sale, exhibition, hunting, or any other purpose specified by TAHC rule;
  - expand the purposes for which rules regarding the regulation and registration of feral swine holding facilities may be adopted to include pest control purposes; and
  - require applicable adopted rules to include provisions for pest testing;
- authorize the TAHC by order to require the slaughter or slaughter and disposal, as applicable, of livestock, domestic fowl, or exotic fowl exposed to or infested with a pest under certain circumstances;
- replace references to "insect" and "insects" with references to "pest" and "pests," respectively, in certain provisions relating to the inspection of shipments of animals or animal products;
- authorize the TAHC by rule to establish a pest surveillance program for elk and subject the program rules to certain criteria;
- authorize the TAHC to require slaughter plants to collect and submit blood samples and other specimens for testing for pests and accordingly remove the specification that applicable specimens are diagnostic specimens;

- clarify that the designation of the Texas A&M Veterinary Medical Diagnostic Laboratory as the state's regulatory animal health laboratory does not prevent the TAHC from collecting specimens and performing field tests to identify pest infestations;
- add references to pest carriers in provisions relating to the offense of permitting movement of an animal in violation of a TAHC quarantine; and
- require the TAHC to adopt rules to implement the bill's provisions as soon as is practicable after the bill's effective date.

The substitute changes the bill's effective date. Whereas the introduced provided for its possible immediate effect, contingent on receiving the requisite constitutional vote, the substitute provides for the bill to take effect on the 91st day after the last day of the legislative session with no possibility for immediate effect.