

By: Guillen

H.B. No. 238

Substitute the following for H.B. No. 238:

By: Kitzman

C.S.H.B. No. 238

A BILL TO BE ENTITLED

AN ACT

relating to the power of the Texas Animal Health Commission to control or eradicate pests.

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

SECTION 1. Section 161.003(a), Agriculture Code, is amended to read as follows:

(a) The commissioners court of each county shall cooperate with and assist the commission in protecting livestock, domestic animals, and domestic fowl from communicable diseases or from pests, regardless of whether a particular disease or pest exists in the county.

SECTION 2. The heading to Section 161.004, Agriculture Code, is amended to read as follows:

Sec. 161.004. DISPOSAL OF DISEASED OR PEST-INFESTED LIVESTOCK CARCASS.

SECTION 3. Sections 161.004(a) and (c), Agriculture Code, are amended to read as follows:

(a) A person who is the owner or caretaker of livestock, exotic livestock, domestic fowl, or exotic fowl that die from a disease or pest listed by the commission in rules adopted under Section 161.041, or who owns or controls the land on which the livestock, exotic livestock, domestic fowl, or exotic fowl die or on which the carcasses are found, shall dispose of the carcasses in the manner required by the commission under this section.

(c) The commission shall:

(1) determine the most effective methods of disposing of diseased, infected, or infested carcasses, including methods other than burning or burial; and

(2) by rule prescribe the method or methods that a person may use to dispose of a carcass as required by Subsection (a).

SECTION 4. Section 161.007, Agriculture Code, is amended to read as follows:

Sec. 161.007. EXPOSURE, ~~[OR]~~ INFECTION, OR INFESTATION CONSIDERED CONTINUING. If a veterinarian employed by the commission determines that a communicable disease or a pest exists among livestock, domestic animals, or domestic fowl or on certain premises or that livestock, domestic animals, or domestic fowl have been exposed to the agency of transmission of a communicable disease or to a pest, the exposure, ~~[or]~~ infection, or infestation is considered to continue until the commission determines that the exposure, ~~[or]~~ infection, or infestation has been eradicated through methods prescribed by rule of the commission.

SECTION 5. Section 161.009(b), Agriculture Code, is amended to read as follows:

(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 or from pests;

(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.

SECTION 6. Section 161.041, Agriculture Code, is amended to read as follows:

Sec. 161.041. DISEASE AND PEST CONTROL. (a) The commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases or pests the commission determines require control or eradication. The commission shall adopt and periodically update rules listing the diseases or pests that

require control or eradication by the commission. Section 2001.0045, Government Code, does not apply to rules adopted under this subsection.

(b) The commission may act to eradicate or control any pest, disease, or agent of transmission for a [any] disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl. The commission may act under this subsection with respect to a disease or agent of transmission of a disease ~~[r]~~ regardless of whether the disease is communicable and ~~[r]~~ even if the agent of transmission is an animal species that is not subject to the jurisdiction of the commission. The commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

(c) A person commits an offense if the person knowingly fails to handle, in accordance with rules adopted by the commission, livestock, exotic livestock, domestic fowl, or exotic fowl:

(1) infected with a disease or infested with a pest listed by the commission by rule under Subsection (a);

(2) exposed, as defined by commission rule, to a disease or pest listed by the commission by rule under Subsection (a) if the commission has notified the person that the animal was exposed to the disease or pest; or

(3) subject to a testing requirement due to a risk of exposure, as defined by commission rule, to a specific disease or pest if the commission has notified the person of the testing requirement.

1 (d) A person commits an offense if the person knowingly
2 fails to identify or refuses to permit an agent of the commission to
3 identify, in accordance with rules adopted by the commission,
4 livestock, exotic livestock, domestic fowl, or exotic fowl infected
5 with a disease or infested with a pest listed by the commission by
6 rule under Subsection (a).

7 (e) An offense under Subsection (c) or (d) of this section
8 is a Class C misdemeanor unless it is shown on the trial of the
9 offense that the defendant has been previously convicted under this
10 section, in which event the offense is a Class B misdemeanor.

11 (f) In complying with this section, the commission may not
12 infringe on or supersede the authority of any other agency of this
13 state, including the authority of the Parks and Wildlife Department
14 relating to wildlife. If a conflict of authority occurs, the
15 commission shall assume responsibility for disease or pest control
16 efforts, but work collaboratively with the other agency to enable
17 each agency to effectively carry out its responsibilities.

18 (g) The commission's authority to control or eradicate an
19 agent of transmission that is an animal species that is not subject
20 to the jurisdiction of the commission is limited to instances when a
21 disease or pest that threatens livestock, exotic livestock,
22 domestic fowl, or exotic fowl has been confirmed or is suspected to
23 exist in that species and the commission determines that a serious
24 threat to livestock, exotic livestock, domestic fowl, or exotic
25 fowl exists.

26 SECTION 7. Section [161.0411\(a\)](#), Agriculture Code, is
27 amended to read as follows:

1 (a) A seller, distributor, or transporter of live domestic
2 or exotic fowl in this state shall register with the commission
3 under this section. The commission may exempt from registration a
4 person participating in a disease or pest surveillance program
5 recognized by the commission.

6 SECTION 8. Section 161.0412, Agriculture Code, is amended
7 to read as follows:

8 Sec. 161.0412. REGULATION AND REGISTRATION OF FERAL SWINE
9 HOLDING FACILITIES. (a) The commission may, for disease or pest
10 control purposes, require the registration of feral swine holding
11 facilities.

12 (b) To prevent the spread of disease or pests, the
13 commission may require a person to register with the commission if
14 the person confines feral swine in a holding facility for
15 slaughter, sale, exhibition, hunting, or any other purpose
16 specified by commission rule.

17 (c) Rules adopted under this section shall include
18 registration requirements, provisions for the issuance,
19 revocation, and renewal of a registration, disease or pest testing,
20 inspections, recordkeeping, construction standards, location
21 limitations, and provisions relating to the treatment of swine in
22 and movement of swine to or from a feral swine holding facility.

23 (d) Rules authorized by this section may be adopted only for
24 disease or pest control [~~disease-control~~] purposes.

25 SECTION 9. The heading to Section 161.0415, Agriculture
26 Code, is amended to read as follows:

27 Sec. 161.0415. DISPOSAL OF DISEASED, INFESTED, OR EXPOSED

1 LIVESTOCK OR FOWL.

2 SECTION 10. Sections 161.0415(a) and (b), Agriculture Code,
3 are amended to read as follows:

4 (a) The commission by order may require the slaughter of
5 livestock, domestic fowl, or exotic fowl, under the direction of
6 the commission, or the sale of livestock, domestic fowl, or exotic
7 fowl for immediate slaughter at a public slaughtering establishment
8 maintaining federal or state inspection if the livestock, domestic
9 fowl, or exotic fowl is exposed to or infected or infested with a
10 pest or disease other than bluetongue or vesicular stomatitis that,
11 as applicable:

12 (1) is recognized by the United States Department of
13 Agriculture as:

14 (A) a foreign animal disease; or

15 (B) a reportable animal disease;

16 (2) is the subject of a cooperative eradication
17 program with the United States Department of Agriculture;

18 (3) is an animal disease reportable to the World
19 Organisation for Animal Health; or

20 (4) is the subject of a state of emergency, as declared
21 by the governor.

22 (b) The commission by order may require the slaughter and
23 disposal of livestock, domestic fowl, or exotic fowl exposed to or
24 infected or infested with a disease or pest not listed in Subsection
25 (a) if the commission determines that action to be necessary for the
26 protection of animal health in this state. The commission shall
27 immediately deliver a copy of an order issued under this subsection

1 to the appropriate legislative oversight committees.

2 SECTION 11. Section 161.0416(a), Agriculture Code, is
3 amended to read as follows:

4 (a) The commission may prepare and plan for, respond to, and
5 aid in the recovery from disaster events that may affect livestock,
6 exotic livestock, domestic fowl, or exotic fowl, including disease
7 outbreaks or pest infestations, hurricanes, floods, tornadoes,
8 wildfires, and acts of terrorism.

9 SECTION 12. The heading to Section 161.0417, Agriculture
10 Code, is amended to read as follows:

11 Sec. 161.0417. AUTHORIZED PERSONNEL FOR DISEASE OR PEST
12 CONTROL.

13 SECTION 13. Section 161.0417(a), Agriculture Code, is
14 amended to read as follows:

15 (a) A person, including a veterinarian, must be authorized
16 by the commission in order to engage in an activity that is part of a
17 state or federal disease or pest control or eradication program for
18 animals.

19 SECTION 14. Section 161.043, Agriculture Code, is amended
20 to read as follows:

21 Sec. 161.043. REGULATION OF EXHIBITIONS. The commission
22 may regulate the entry of livestock, domestic animals, and domestic
23 fowl into exhibitions, shows, and fairs and may require treatment
24 or certification of those animals as reasonably necessary to
25 protect against communicable diseases or against pests.

26 SECTION 15. Section 161.044, Agriculture Code, is amended
27 to read as follows:

1 Sec. 161.044. REGULATION OF LIVESTOCK MOVEMENT FROM
2 STOCKYARDS OR RAILWAY SHIPPING PENS. The commission may regulate
3 the movement of livestock out of stockyards or railway shipping
4 pens and require treatment or certification of those animals as
5 reasonably necessary to protect against communicable diseases or
6 against pests.

7 SECTION 16. Sections 161.048(a) and (e), Agriculture Code,
8 are amended to read as follows:

9 (a) An agent of the commission is entitled to stop and
10 inspect a shipment of animals or animal products being transported
11 in this state in order to:

12 (1) determine if the shipment is in compliance with
13 the laws and rules administered by the commission affecting the
14 shipment;

15 (2) determine if the shipment originated from a
16 quarantined area or herd; or

17 (3) determine if the shipment presents a danger to the
18 public health or livestock industry through pest [~~insect~~]
19 infestation or through a communicable or noncommunicable disease.

20 (e) In this section, "animal product" includes hides;
21 bones; hoofs; horns; viscera; parts of animal bodies; litter,
22 straw, or hay used for bedding; and any other substance capable of
23 carrying pests [~~insects~~] or a disease that may endanger the
24 livestock industry.

25 SECTION 17. Section 161.0525, Agriculture Code, is amended
26 to read as follows:

27 Sec. 161.0525. MEMORANDUM OF UNDERSTANDING ON COOPERATION

1 WITH OTHER STATES. The commission by rule, subject to approval by
2 the governor, may adopt a joint memorandum of understanding with
3 another state that includes provisions under which the commission
4 and the other state may provide assistance to each other in the case
5 of an animal disease outbreak or pest infestation.

6 SECTION 18. Section 161.054(e), Agriculture Code, is
7 amended to read as follows:

8 (e) In connection with the regulation of the movement of
9 feral swine, the commission by rule may require ~~[disease]~~ testing
10 for diseases or pests before movement of a feral swine from one
11 location to another, and establish the conditions under which feral
12 swine may be transported.

13 SECTION 19. The heading to Section 161.0541, Agriculture
14 Code, is amended to read as follows:

15 Sec. 161.0541. ELK DISEASE AND PEST SURVEILLANCE PROGRAM.

16 SECTION 20. Sections 161.0541(a) and (b), Agriculture Code,
17 are amended to read as follows:

18 (a) The commission by rule may establish a disease or pest
19 surveillance program for elk.

20 (b) Rules adopted under this section must:

21 (1) require each person who moves elk in this state to
22 have elk tested for chronic wasting disease, [or] other diseases,
23 or pests as determined by the commission;

24 (2) be designed to protect the health of the elk
25 population in this state; and

26 (3) include provisions for testing, identification,
27 transportation, and inspection under the disease or pest

1 surveillance program.

2 SECTION 21. Section 161.0542, Agriculture Code, is amended
3 to read as follows:

4 Sec. 161.0542. NOTICE OF WILDLIFE DISEASE OUTBREAK OR PEST
5 INFESTATION. (a) Notwithstanding any law restricting the
6 disclosure of information by the commission and subject to
7 Subsection (b), if the commission becomes aware of a wildlife
8 disease outbreak or pest infestation on a property, the commission
9 shall provide notice of the location and nature of the outbreak or
10 infestation to:

11 (1) each owner of adjacent property; and

12 (2) the Parks and Wildlife Department.

13 (b) Subsection (a) applies only to a disease or pest that
14 the commission has designated as reportable.

15 SECTION 22. Sections 161.055(a) and (b), Agriculture Code,
16 are amended to read as follows:

17 (a) The commission may require slaughter plants to collect
18 and submit blood samples and other [~~diagnostic~~] specimens for
19 testing for disease or pests.

20 (b) The commission by rule shall determine the method of
21 collecting, submitting, and testing of blood samples and other
22 [~~diagnostic~~] specimens.

23 SECTION 23. Sections 161.056(a), (c), (d), and (e),
24 Agriculture Code, are amended to read as follows:

25 (a) In order to provide for disease or pest control and
26 enhance the ability to trace disease-infected or pest-infested
27 animals or animals that have been exposed to disease or pests, the

1 commission may develop and implement an animal identification
2 program that is no more stringent than a federal animal disease or
3 pest traceability or other federal animal identification program.

4 (c) The commission may adopt rules to require the use of
5 official identification as part of the animal identification
6 program under Subsection (a) for animal disease or pest control or
7 animal emergency management.

8 (d) The commission may by a two-thirds vote adopt rules to
9 provide for an animal identification program more stringent than a
10 program allowed by Subsection (a) only for control of a specific
11 animal disease or pest or for animal emergency management.

12 (e) Information collected by the commission under this
13 section is exempt from the public disclosure requirements of
14 Chapter 552, Government Code. The commission may provide
15 information to another person, including a governmental entity,
16 without altering the confidential status of the information. The
17 commission may release information to:

18 (1) a person who owns or controls animals and seeks
19 information regarding those animals, if the person requests the
20 information in writing;

21 (2) the attorney general's office, for the purpose of
22 law enforcement;

23 (3) the secretary of the United States Department of
24 Agriculture, for the purpose of animal health protection;

25 (4) the secretary of the Department of Homeland
26 Security, for the purpose of homeland security;

27 (5) the Department of State Health Services, for the

1 purpose of protecting the public health from zoonotic diseases or
2 from pests;

3 (6) any person, under an order of a court of competent
4 jurisdiction;

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

8 (8) any person the executive director of the
9 commission considers appropriate, if the executive director
10 determines that:

11 (A) livestock may be threatened by a disease,
12 agent, or pest; and

13 (B) the release of the information is related to
14 actions the commission may take under this section.

15 SECTION 24. Section 161.057(a), Agriculture Code, is
16 amended to read as follows:

17 (a) The commission by rule may prescribe criteria for
18 classifying areas in the state for disease or pest control. The
19 criteria must be based on sound epidemiological principles. The
20 commission may prescribe different control measures and procedures
21 for areas with different classifications.

22 SECTION 25. Sections 161.058(a) and (c), Agriculture Code,
23 are amended to read as follows:

24 (a) The commission may pay an indemnity to the owner of
25 livestock, domestic fowl, or exotic fowl exposed to, or infected or
26 infested with, a disease or pest if the commission considers it
27 necessary to eradicate the disease or pest and to dispose of the

1 exposed, ~~[or]~~ diseased, or infested livestock, domestic fowl, or
2 exotic fowl. The commission shall provide the owner with
3 information regarding available state or federal indemnity funds.

4 (c) The commission may spend funds appropriated for the
5 purpose of this section only for direct payment to owners of
6 exposed, ~~[or]~~ infected, or infested livestock, domestic fowl, or
7 exotic fowl.

8 SECTION 26. Section 161.0603(b), Agriculture Code, is
9 amended to read as follows:

10 (b) This section does not prevent the commission from:

11 (1) using a laboratory other than the Texas A&M
12 Veterinary Medical Diagnostic Laboratory for a test as needed; or

13 (2) collecting specimens and performing field tests to
14 diagnose animal diseases or identify pest infestations.

15 SECTION 27. Sections 161.061(a) and (c), Agriculture Code,
16 are amended to read as follows:

17 (a) The commission may establish a quarantine against all or
18 the portion of a state, territory, or country in which a disease or
19 pest listed in rules adopted under Section 161.041 exists.

20 (c) The commission may establish a quarantine to prohibit or
21 regulate the movement of:

22 (1) any article or animal that the commission
23 designates to be a carrier of a disease or pest listed in rules
24 adopted under Section 161.041 or a potential carrier of one of those
25 diseases or pests, if movement is not otherwise regulated or
26 prohibited; and

27 (2) an animal into an affected area, including a

1 county district, pasture, lot, ranch, farm, field, range,
2 thoroughfare, building, stable, or stockyard pen.

3 SECTION 28. Section 161.0615(a), Agriculture Code, is
4 amended to read as follows:

5 (a) The commission may quarantine livestock, exotic
6 livestock, domestic fowl, or exotic fowl in all or any part of this
7 state as a means of immediately restricting the movement of animals
8 potentially infected with disease or infested with pests and shall
9 clearly describe the territory included in a quarantine area.

10 SECTION 29. Section 161.062(b), Agriculture Code, is
11 amended to read as follows:

12 (b) The commission shall give notice of a quarantine
13 established within this state by publishing notice in a newspaper
14 published in the county in which the quarantine is established, by
15 posting notice at the courthouse door of that county, or by
16 delivering a written notice to the owner or caretaker of the animals
17 or places to be quarantined. The commission may pay the expense of
18 publication or posting out of any appropriation made for the office
19 and stationery expenses of the commission or out of any
20 appropriation made for the control or eradication of communicable
21 diseases or pests that affect ~~of~~ livestock. The commissioners
22 court of a county in which a quarantine is established may pay the
23 expenses of publication or posting out of any available funds of the
24 county.

25 SECTION 30. Sections 161.063(a), (b), and (d), Agriculture
26 Code, are amended to read as follows:

27 (a) A quarantine notice must state the requirements and

1 restrictions under which animals may be permitted to enter this
2 state or to be moved from a quarantined area within this state. If
3 the seriousness of the disease or pest is sufficient to warrant
4 prohibiting the movement of animals, the notice must state that the
5 movement is prohibited. The quarantine notice must state the class
6 of persons authorized by the commission to issue certificates or
7 permits permitting movement.

8 (b) A quarantine notice must state the cause for which the
9 quarantine is established, whether for infection, infestation, or
10 [~~or for~~] exposure.

11 (d) If the quarantine regulates or prohibits the movement of
12 a carrier or potential carrier of a disease or pest, the commission
13 may prescribe any exceptions, terms, conditions, or provisions that
14 the commission considers necessary or desirable to promote the
15 objectives of this chapter or to minimize the economic impact of the
16 quarantine without endangering those objectives or the health and
17 safety of the public. Any exceptions, terms, conditions, or
18 provisions prescribed under this subsection must be stated in the
19 quarantine notice.

20 SECTION 31. Section 161.065(a), Agriculture Code, is
21 amended to read as follows:

22 (a) Except as provided by Subsection (b) of this section, a
23 person, in violation of a quarantine, may not:

24 (1) move livestock, domestic animals, or domestic fowl
25 in this state from any quarantined place in or outside this state;

26 (2) move quarantined livestock, domestic animals, or
27 domestic fowl from the place in which they are quarantined; or

(3) move commodities or animals designated as disease or pest carriers or potential disease or pest carriers in this state from a quarantined place in or outside this state.

SECTION 32. The heading to Subchapter F, Chapter 161, Agriculture Code, is amended to read as follows:

SUBCHAPTER F. VETERINARIAN REPORTS OF DISEASED OR PEST-INFESTED
ANIMALS

SECTION 33. Sections 161.101(a), (b), and (c), Agriculture Code, are amended to read as follows:

(a) A veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report to the commission the existence of diseases or pests listed in rules adopted by the commission among livestock, exotic livestock, bison, domestic fowl, or exotic fowl within 24 hours after diagnosis of the disease or identification of the pest infestation. The commission shall adopt and periodically update rules listing the diseases or pests that the commission determines require reporting under this section. Section 2001.0045, Government Code, does not apply to rules adopted under this subsection.

(b) In addition to reporting required by Subsection (a), the commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report the existence of a pest or a disease other than bluetongue in an animal to the commission within 24 hours after identification or diagnosis if the pest or disease, as applicable:

(1) is recognized by the United States Department of

1 Agriculture as:

2 (A) a foreign animal disease; or

3 (B) a reportable animal disease;

4 (2) is the subject of a cooperative eradication
5 program with the United States Department of Agriculture;

6 (3) is an animal disease reportable to the World
7 Organisation for Animal Health; or

8 (4) is the subject of a state of emergency, as declared
9 by the governor.

10 (c) The commission may adopt rules that require a
11 veterinarian, a veterinary diagnostic laboratory, or a person
12 having care, custody, or control of an animal to report a disease or
13 a pest not covered by Subsection (a) or (b) if the commission
14 determines that action to be necessary for the protection of animal
15 health in this state. The commission shall immediately deliver a
16 copy of a rule adopted under this subsection to the appropriate
17 legislative oversight committees.

18 SECTION 34. Section 161.112, Agriculture Code, is amended
19 to read as follows:

20 Sec. 161.112. RULES. (a) Following notice and public
21 hearing, the commission shall adopt rules relating to the movement
22 of livestock, exotic livestock, and exotic fowl from livestock
23 markets and shall require tests, immunization, or treatment as
24 necessary to protect against the spread of communicable diseases or
25 against the spread of pests.

26 (b) Following notice and public hearing, the commission may
27 adopt rules requiring permits for moving exotic livestock and

1 exotic fowl from livestock markets as necessary to protect against
2 the spread of communicable diseases or against the spread of pests.

3 SECTION 35. Section 161.116, Agriculture Code, is amended
4 to read as follows:

5 Sec. 161.116. SALE OR DELIVERY OF DISEASED OR PEST-INFESTED
6 CATTLE. (a) In this section, "diseased" means affected by
7 actinobacillosis, actinomycosis, carcinoma, mastitis, or any other
8 disease that renders the carcass of an animal potentially dangerous
9 for human consumption and has been so designated by rule of the
10 commission.

11 (b) Except as provided by Subsection (c) of this section, a
12 person may not sell diseased or pest-infested cattle unless:

13 (1) the cattle are sold through a livestock market
14 where visual examination of livestock is made by an agent of the
15 commission or by the United States Department of Agriculture; or

16 (2) the cattle are sold by a recognized slaughtering
17 establishment maintaining federal, state, or state-approved
18 veterinary postmortem inspection.

19 (c) The original owner of diseased or pest-infested cattle
20 may sell the cattle in violation of Subsection (b) of this section
21 if the cattle are sold and delivered on the premises of the original
22 owner, but the purchaser shall comply with the requirements of this
23 section.

24 (d) A person may not release diseased or pest-infested
25 cattle from a livestock market unless the cattle are:

26 (1) consigned directly to a federally approved
27 terminal market or to a slaughtering establishment maintaining

1 federal, state, or state-approved veterinary postmortem
2 inspection; and

3 (2) accompanied by a certificate or permit issued by a
4 representative of the commission or the United States Department of
5 Agriculture naming the terminal market or slaughtering
6 establishment.

7 (e) This section does not prevent the original owner of
8 diseased or pest-infested cattle, or an agent of the owner, from
9 voiding the sale of the cattle if the owner is not satisfied with
10 the top bid price, but the owner shall obtain a certificate or
11 permit under Subsection (d) of this section and shall deliver the
12 cattle to the place specified on the certificate or permit. A
13 person is not liable for a violation of this subsection unless the
14 agent of the commission shows the person a list of approved
15 establishments to which the cattle may be consigned and allows the
16 person to select an establishment from that list.

17 (f) A person may not deliver or divert diseased or
18 pest-infested cattle consigned under a certificate or permit issued
19 under Subsection (d) of this section to a place other than the
20 terminal market or slaughtering establishment named in the
21 certificate or permit. The cattle must be delivered to the terminal
22 market or slaughtering establishment not later than the fifth day
23 following the day on which the certificate or permit is issued.

24 (g) A person may not release diseased or pest-infested
25 cattle from a terminal market or slaughtering establishment to
26 which the cattle have been consigned under a certificate or permit
27 issued under Subsection (d) of this section except on authority of

1 the commission.

2 SECTION 36. Section 161.135, Agriculture Code, is amended
3 to read as follows:

4 Sec. 161.135. IMPROPER DISPOSAL OF DISEASED OR
5 PEST-INFESTED CARCASS. (a) A person required to dispose of a
6 diseased or pest-infested carcass in accordance with Section
7 161.004 of this code commits an offense if the person fails to
8 dispose of the carcass in accordance with that section.

9 (b) An offense under this section is a Class B misdemeanor
10 for each animal carcass improperly disposed of.

11 SECTION 37. Section 161.140(a), Agriculture Code, is
12 amended to read as follows:

13 (a) A person commits an offense if the person:

14 (1) refuses to allow the commission or an agent of the
15 commission to examine an animal or all or part of an animal carcass
16 that is owned by or possessed by the person and that the commission
17 or agent has reason to believe is affected by a communicable disease
18 or a pest; or

19 (2) hinders or obstructs the commission or its agent
20 in an examination under Subdivision (1) of this subsection.

21 SECTION 38. Section 161.141(e), Agriculture Code, is
22 amended to read as follows:

23 (e) A person commits a separate offense for each county into
24 which livestock, domestic animals, domestic fowl, disease or pest
25 carriers, or potential disease or pest carriers are moved within
26 six months following the original movement in violation of Section
27 161.065 of this code.

1 SECTION 39. The heading to Section 161.145, Agriculture
2 Code, is amended to read as follows:

3 Sec. 161.145. VETERINARIAN FAILURE TO REPORT DISEASED OR
4 PEST-INFESTED ANIMALS.

5 SECTION 40. As soon as is practicable after the effective
6 date of this Act, the Texas Animal Health Commission shall adopt
7 rules to implement the changes in law made by this Act to Chapter
8 161, Agriculture Code.

9 SECTION 41. This Act takes effect on the 91st day after the
10 last day of the legislative session.