

By: Perry, Blanco

S.B. No. 2846

A BILL TO BE ENTITLED

AN ACT

relating to the control of disease in wildlife; creating criminal offenses; authorizing an administrative penalty.

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

SECTION 1. Chapter 12, Parks and Wildlife Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. WILDLIFE DISEASE CONTROL

Sec. 12.801. DEFINITIONS. In this subchapter:

(1) "Chronic wasting disease suspect, trace, or positive herd" means a CWD-suspect herd, a CWD-trace herd, or a CWD-positive herd as those terms are defined by 4 T.A.C. Section 40.1, as that section existed on May 1, 2025.

(2) "Deer breeder facility" means a breeder facility regulated under Subchapter L, Chapter 43, or rules adopted under that subchapter.

(3) "Wildlife" means an indigenous animal species that normally lives in a state of nature and is not ordinarily domesticated. The term does not include exotic livestock as defined by Section 161.001(a), Agriculture Code.

Sec. 12.802. DISEASE CONTROL; OFFENSE. (a) The department shall protect all wildlife from diseases the commission determines require control or eradication. The commission shall adopt and periodically update rules listing the diseases that require control or eradication by the department.

1       (b) The department may act to eradicate or control any  
2 disease or agent of transmission for any disease that affects  
3 wildlife regardless of whether the disease is communicable. The  
4 commission may adopt any rules necessary to carry out the purposes  
5 of this subsection, including rules concerning testing, movement,  
6 inspection, and treatment of wildlife.

7       (c) A person commits an offense if the person knowingly  
8 fails to handle, in accordance with rules adopted by the  
9 commission, wildlife:

10           (1) infected with a disease listed by the commission  
11 by rule under Subsection (a);

12           (2) exposed, as defined by commission rule, to a  
13 disease listed by the commission by rule under Subsection (a) if the  
14 department has notified the person that the wildlife was exposed to  
15 the disease; or

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

19       (d) A person commits an offense if the person knowingly  
20 fails to identify or refuses to permit an agent of the department to  
21 identify, in accordance with rules adopted by the commission,  
22 wildlife infected with a disease listed by the commission by rule  
23 under Subsection (a).

24       (e) An offense under this section is a Class C Parks and  
25 Wildlife Code misdemeanor unless it is shown on the trial of the  
26 offense that the defendant has been previously convicted of an  
27 offense under this section, in which event the offense is a Class B

1 Parks and Wildlife Code misdemeanor.

2 (f) In complying with this section, the department may not  
3 infringe on or supersede the authority of any other agency of this  
4 state, including the authority of the Texas Animal Health  
5 Commission relating to livestock, exotic livestock, domestic fowl,  
6 or exotic fowl. If a conflict of authority occurs, the department  
7 shall assume responsibility for disease control efforts in wildlife  
8 and work collaboratively with the other agency to enable each  
9 agency to effectively carry out the agency's responsibilities.

10 Sec. 12.803. ESTABLISHMENT OF QUARANTINE. (a) Except as  
11 provided by Subsection (e), the department may establish a  
12 quarantine to protect wildlife against all or the portion of a  
13 state, territory, or country in which a disease listed in rules  
14 adopted under Section 12.802 exists.

15 (b) A quarantine established under Subsection (a) may  
16 extend to any affected area, including a county, district, pasture,  
17 lot, ranch, farm, field, range, thoroughfare, building, stable, or  
18 stockyard pen.

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

21 (1) wildlife the department designates to be a carrier  
22 of a disease listed in rules adopted under Section 12.802 or a  
23 potential carrier of one of those diseases, if movement is not  
24 otherwise regulated or prohibited; and

25 (2) wildlife into an affected area, including a  
26 county, district, pasture, lot, ranch, farm, field, range,  
27 thoroughfare, building, stable, or stockyard pen.

1       (d) The commission by rule may authorize the director to  
2 establish a quarantine under this section, who shall promptly  
3 notify the commission when a quarantine is established.

4       (e) For a chronic wasting disease suspect, trace, or  
5 positive herd located in a deer breeder facility or on a registered  
6 release site, the department may only establish a quarantine for  
7 the affected premises to prohibit or regulate the movement of  
8 wildlife out of or into the affected premises.

9       Sec. 12.804. STATEWIDE OR WIDESPREAD QUARANTINE. (a)  
10 Except as provided by Section 12.803(e), the department may  
11 quarantine wildlife in all or any part of this state as a means of  
12 immediately restricting the movement of wildlife potentially  
13 infected with disease and shall clearly describe the territory  
14 included in a quarantine area.

15       (b) The commission by rule may authorize the director to  
16 establish a quarantine under this section, who shall promptly  
17 notify the commission when a quarantine is established.

18       (c) The commission by rule shall prescribe the manner in  
19 which notice of a statewide or widespread quarantine under this  
20 section is to be published.

21       Sec. 12.805. PUBLICATION OF NOTICE. (a) Except as provided  
22 by Subsection (c) and Section 12.804(c), the department shall give  
23 notice of a quarantine against another state, territory, or country  
24 by publishing notice of the quarantine in a newspaper published in  
25 this state. The quarantine takes effect on the date of publication.

26       (b) Except as provided by Subsection (c), the department  
27 shall give notice of a quarantine established within this state by

publishing notice in a newspaper published in the county in which the quarantine is established, by posting notice at the courthouse door of that county, or by delivering a written notice to the caretaker or owner, if applicable, of the wildlife or places to be quarantined. The department may pay the expense of publication or posting out of any appropriation made for the office and stationery expenses of the department. The commissioners court of a county in which a quarantine is established may pay the expenses of publication or posting out of any available funds of the county.

(c) If a suspected positive case of chronic wasting disease located in a deer breeder facility or at a registered release site is confirmed positive by the National Veterinary Services Laboratories, the department shall provide notice of any subsequent quarantine of the premises to:

(1) the owner of the facility or registered release site; and

(2) each owner of property adjacent to the facility or registered release site.

Sec. 12.806. CONTENTS OF NOTICE. (a) A quarantine notice must state the requirements and restrictions under which wildlife may be permitted to enter this state or to be moved from a quarantined area within this state. If the seriousness of the disease is sufficient to warrant prohibiting the movement of wildlife, the notice must state that the movement is prohibited. The quarantine notice must state the class of persons authorized by the department to issue certificates or permits permitting movement.

1       (b) A quarantine notice must state the cause for which the  
2 quarantine is established, whether for infection or for exposure.

3       (c) A quarantine notice must describe the area or premises  
4 quarantined in a reasonable manner that enables a person to  
5 identify the area or premises, but is not required to describe the  
6 area or premises by metes and bounds.

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

16       Sec. 12.807. EFFECT OF QUARANTINE. A quarantine that is  
17 established for any location has the effect of quarantining all  
18 wildlife of the kind mentioned in the quarantine notice that are on  
19 or enter that location during the existence of the quarantine,  
20 regardless of who possesses or controls the wildlife.

21       Sec. 12.808. MOVEMENT FROM QUARANTINED AREA; MOVEMENT OF  
22 QUARANTINED WILDLIFE. (a) Except as provided by Subsection (b), a  
23 person, in violation of a quarantine, may not:

24               (1) move wildlife in this state from any quarantined  
25 place in or outside this state;

26               (2) move quarantined wildlife from the place in which  
27 they are quarantined; or

1           (3) move wildlife designated as disease carriers or  
2 potential disease carriers in this state from a quarantined place  
3 in or outside this state.

4           (b) The department may provide for a written certificate or  
5 written permit authorizing the movement of wildlife from  
6 quarantined places or the movement of quarantined wildlife. The  
7 certificate or permit must be issued by a veterinarian or other  
8 person authorized by the department to issue a certificate or  
9 permit. Each certificate or permit must be issued in conformity  
10 with the requirements stated in the quarantine notice.

11           (c) If the department finds wildlife that have been moved in  
12 violation of a quarantine established under this subchapter or in  
13 violation of any other law, the department shall quarantine the  
14 wildlife until the wildlife have been properly treated, vaccinated,  
15 tested, or disposed of in accordance with commission rules.

16           Sec. 12.809. MOVEMENT IN VIOLATION OF QUARANTINE; OFFENSE.

17           (a) A person commits an offense if:

18                   (1) the person moves wildlife in violation of Section  
19 12.808(a); or

20                   (2) as caretaker of the wildlife, the person permits  
21 movement of the wildlife in violation of Section 12.808.

22           (b) An offense under this section is a Class B Parks and  
23 Wildlife Code misdemeanor unless it is shown on the trial of the  
24 offense that the defendant has been previously convicted of an  
25 offense under this section, in which event the offense is a Class A  
26 Parks and Wildlife Code misdemeanor.

27           (c) A person commits a separate offense for:

1           (1) each individual of a wildlife species moved in  
2 violation of Section 12.808(a); and

3           (2) each county into which wildlife, including  
4 wildlife carrying or potentially carrying disease, are moved within  
5 six months following the original movement in violation of Section  
6 12.808.

7           Sec. 12.810. ADMINISTRATIVE PENALTY. (a) The commission  
8 may impose an administrative penalty on a person who violates this  
9 subchapter or a rule or order adopted under this subchapter.

10           (b) The penalty for a violation may be in an amount not to  
11 exceed \$5,000. Each day a violation continues or occurs is a  
12 separate violation for purposes of imposing a penalty. The amount  
13 of the penalty may not be calculated on a per head basis.

14           (c) The amount of the penalty must be based on:

15                   (1) the seriousness of the violation, including the  
16 nature, circumstances, extent, and gravity of any prohibited acts,  
17 and the hazard or potential hazard created to wildlife, or the  
18 health, safety, or economic welfare of the public;

19                   (2) the economic harm to property or the environment  
20 caused by the violation;

21                   (3) the history of previous violations;

22                   (4) the amount necessary to deter future violations;

23                   (5) efforts to correct the violation; and

24                   (6) any other matter that justice may require.

25           (d) If the director determines that a violation has  
26 occurred, the director may issue to the commission a report that  
27 states the facts on which the determination is based and the



1 director's recommendation on the imposition of a penalty, including  
2 a recommendation on the amount of the penalty.

3 (e) Not later than the 14th day after the date the report is  
4 issued, the director shall give written notice of the report to the  
5 person. The notice may be given by certified mail. The notice must  
6 include a brief summary of the alleged violation and a statement of  
7 the amount of the recommended penalty and must inform the person  
8 that the person has a right to a hearing on the occurrence of the  
9 violation, the amount of the penalty, or both the occurrence of the  
10 violation and the amount of the penalty.

11 (f) Not later than the 20th day after the date the person  
12 receives the notice given under Subsection (e), the person in  
13 writing may accept the determination and recommended penalty of the  
14 director or may make a written request for a hearing on the  
15 occurrence of the violation, the amount of the penalty, or both the  
16 occurrence of the violation and the amount of the penalty.

17 (g) If the person accepts the determination and recommended  
18 penalty of the director, the commission shall approve the  
19 determination and impose the recommended penalty.

20 (h) If the person requests a hearing or fails to respond  
21 timely to the notice, the commission shall set a hearing and give  
22 notice of the hearing to the person. The hearing shall be held by an  
23 administrative law judge of the State Office of Administrative  
24 Hearings. The administrative law judge shall make findings of fact  
25 and conclusions of law and promptly issue to the commission a  
26 proposal for a decision about the occurrence of the violation and  
27 the amount of a proposed penalty. Based on the findings of fact,

1 conclusions of law, and proposal for a decision, the commission may  
2 find that a violation has occurred and impose a penalty or may find  
3 that no violation occurred.

4 (i) The notice of the commission's decision must be given to  
5 the person under Chapter 2001, Government Code, and include a  
6 statement of the right of the person to judicial review of the  
7 order.

8 (j) Not later than the 30th day after the date the  
9 commission's decision becomes final as provided by Section  
10 2001.144, Government Code, the person shall:

11 (1) pay the amount of the penalty;

12 (2) pay the amount of the penalty and file a petition  
13 for judicial review contesting the occurrence of the violation, the  
14 amount of the penalty, or both the occurrence of the violation and  
15 the amount of the penalty; or

16 (3) without paying the amount of the penalty, file a  
17 petition for judicial review contesting the occurrence of the  
18 violation, the amount of the penalty, or both the occurrence of the  
19 violation and the amount of the penalty.

20 (k) A person who acts under Subsection (j)(3) during the  
21 period provided by that subsection may:

22 (1) stay enforcement of the penalty by:

23 (A) paying the amount of the penalty to the court  
24 for placement in an escrow account; or

25 (B) giving to the court a supersedeas bond that  
26 is approved by the court for the amount of the penalty and that is  
27 effective until all judicial review of the commission's order is

1 final; or

2 (2) request the court to stay enforcement of the  
3 penalty by:

4 (A) filing with the court a sworn affidavit of  
5 the person stating that the person is financially unable to pay the  
6 amount of the penalty and is financially unable to give the  
7 supersedeas bond; and

8 (B) giving a copy of the affidavit to the  
9 director by certified mail.

10 (1) If the director receives a copy of an affidavit under  
11 Subsection (k)(2), the director may file with the court, not later  
12 than the fifth day after the date the copy is received, a contest to  
13 the affidavit. The court shall hold a hearing on the facts alleged  
14 in the affidavit as soon as practicable and shall stay the  
15 enforcement of the penalty on finding that the alleged facts are  
16 true. The person who files an affidavit has the burden of proving  
17 that the person is financially unable to pay the amount of the  
18 penalty and to give a supersedeas bond.

19 (m) If the person does not pay the amount of the penalty and  
20 the enforcement of the penalty is not stayed, the director may refer  
21 the matter to the attorney general for collection of the amount of  
22 the penalty.

23 (n) Judicial review of a decision of the commission:

24 (1) is instituted by filing a petition as provided by  
25 Subchapter G, Chapter 2001, Government Code; and

26 (2) is under the substantial evidence rule.

27 (o) If the court sustains the occurrence of the violation,

the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(p) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the penalty is not upheld by the court, the court shall order the release of the bond. If the person gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount of the reduced penalty.

(q) A penalty collected under this section shall be remitted to the comptroller for deposit in the general revenue fund.

(r) All proceedings under this section are subject to Chapter 2001, Government Code.

Sec. 12.811. DISPOSAL OF DISEASED WILDLIFE CARCASS. (a) A person who possesses wildlife that die from a disease listed by the commission in rules adopted under Section 12.802, or who owns or controls the land on which the wildlife die or on which the carcasses are found, shall dispose of the carcasses in the manner

1 required by the commission under this section.

2 (b) The Texas Commission on Environmental Quality may not  
3 adopt a rule related to the disposal of wildlife under this section  
4 unless the rule is developed in cooperation with and is approved by  
5 the commission.

6 (c) The commission shall:

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

10 (2) by rule may delegate the commission's authority  
11 under this section to the department or director.

12 Sec. 12.812. EXPOSURE OF INFECTION CONSIDERED CONTINUING.  
13 If a veterinarian employed by the department determines that a  
14 communicable disease exists among wildlife or that on certain  
15 premises wildlife have been exposed to the agency of transmission  
16 of a communicable disease, the exposure or infection is considered  
17 to continue until the department determines that the exposure or  
18 infection has been eradicated through methods prescribed by  
19 commission rule.

20 Sec. 12.813. CLASSIFICATION OF AREAS. (a) The commission  
21 by rule may prescribe criteria for classifying areas in the state  
22 for disease control. The criteria must be based on sound  
23 epidemiological principles. The commission may prescribe  
24 different control measures and procedures for areas with different  
25 classifications.

26 (b) The commission by rule may designate as a particular  
27 classification an area consisting of one or more counties.

1       Sec. 12.814. IMPORTATION OF WILDLIFE; OFFENSE. (a) The  
2 commission by rule may regulate the movement, including movement by  
3 a railroad company or other common carrier, of wildlife into this  
4 state from another state, territory, or country.

5       (b) The commission by rule may provide the method for  
6 inspecting and testing wildlife before and after entry into this  
7 state.

8       (c) The commission by rule may provide for the issuance and  
9 form of health certificates and entry permits.

10       (d) A person, including a railroad company or other common  
11 carrier, commits an offense if the person knowingly moves wildlife  
12 into this state in violation of a rule adopted under this section.

13       (e) An offense under this section is a Class C Parks and  
14 Wildlife Code misdemeanor unless it is shown on the trial of the  
15 offense that the defendant has been previously convicted of an  
16 offense under this section, in which event the offense is a Class B  
17 Parks and Wildlife Code misdemeanor.

18       (f) A person commits a separate offense for each individual  
19 of a wildlife species moved in violation of a rule adopted under  
20 this section.

21       Sec. 12.815. DUTY TO REPORT. (a) A veterinarian, a  
22 veterinary diagnostic laboratory, or a person having care, custody,  
23 or control of wildlife shall report to the department the existence  
24 of diseases listed in rules adopted by the commission detected  
25 among the wildlife not later than 24 hours after diagnosis of the  
26 disease. The commission shall adopt and periodically update rules  
27 listing the diseases that the commission determines require

1 reporting under this section.

2 (b) In addition to reporting required by Subsection (a), the  
3 commission may adopt rules that require a veterinarian, a  
4 veterinary diagnostic laboratory, or a person having care, custody,  
5 or control of wildlife to report the existence of a disease other  
6 than bluetongue in the wildlife to the department not later than 24  
7 hours after diagnosis if the disease:

8 (1) is recognized by the United States Department of  
9 Agriculture as:

10 (A) a foreign animal disease; or

11 (B) a reportable animal disease;

12 (2) is an animal disease reportable to the World  
13 Organisation for Animal Health; or

14 (3) is the subject of a state of emergency, as declared  
15 by the governor.

16 (c) The commission may adopt rules that require a  
17 veterinarian, a veterinary diagnostic laboratory, or a person  
18 having care, custody, or control of wildlife to report a disease not  
19 covered by Subsection (a) or (b) if the commission determines that  
20 action to be necessary for the protection of wildlife health in this  
21 state. The commission shall immediately deliver a copy of a rule  
22 adopted under this subsection to the appropriate legislative  
23 oversight committees.

24 Sec. 12.816. REFUSAL TO PROVIDE ACCESS TO WILDLIFE;  
25 OFFENSE. (a) A person who possesses or controls wildlife commits  
26 an offense if the person knowingly refuses to gather the wildlife  
27 for testing, identification, inspection, or another procedure

1 required by commission rule.

2 (b) An offense under this section is a Class C Parks and  
3 Wildlife Code misdemeanor unless it is shown on the trial of the  
4 offense that the defendant has been previously convicted of an  
5 offense under this section, in which event the offense is a Class B  
6 Parks and Wildlife Code misdemeanor.

7 (c) A person commits a separate offense on each day of  
8 refusal under Subsection (a).

9 SECTION 2. Sections 161.041(f) and (g), Agriculture Code,  
10 are repealed.

11 SECTION 3. Not later than November 1, 2025, the Texas Animal  
12 Health Commission and the Parks and Wildlife Department shall enter  
13 into a memorandum of understanding relating to the transfer of the  
14 administration of disease control in wildlife, as defined by  
15 Section 12.801, Parks and Wildlife Code, as added by this Act. The  
16 memorandum of understanding must include a timetable and specific  
17 steps and methods for completing the transfer not later than  
18 September 1, 2026.

19 SECTION 4. This Act takes effect September 1, 2025.