

BILL ANALYSIS

Senate Research Center
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S.B. 1233
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the last three years, the Texas cattle industry has placed a renewed emphasis on controlling foreign animal diseases of concern.

Intrastate and interstate animal identification plans have recently been developed and implemented at the federal and state levels for the purpose of establishing a means to enable the cattle industry and state and federal animal health officials to more rapidly and effectively respond to animal health emergencies.

Upon review of the state statute that gives the Texas Animal Health Commission (TAHC) the authority to implement an intrastate program for Texas, it was discovered that were references to a program at the federal level that no longer exists. S.B. 1233 deletes references to this program.

S.B. 1233 clarifies that any state animal identification program cannot be more stringent than any federal animal identification program; repeals the penalty provisions that gave the TAHC Class C misdemeanor authority for violations relating to animal identification; and repeals the subsection that references the use of specific identification numbers that the TAHC may consider in implementing an animal identification program.

As proposed, S.B. 1233 amends current law relating to a state animal identification program and the identification of animals vaccinated for or infected with brucellosis.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Animal Health Commission is modified in SECTION 2 (Section 163.064, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 161.056(a) and (c), Agriculture Code, as follows:

(a) Authorizes the Texas Animal Health Commission (TAHC), in order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, to develop and implement a state animal identification program for a species that is no more stringent than the federal animal disease traceability or animal identification program for that species, rather than to develop and implement an animal identification program that is consistent with the United States Department of Agriculture's National Animal Identification System.

(c) Authorizes TAHC to require the use of official identification numbers assigned as part of the state animal identification program, rather than as part of the animal identification program for animal disease control, animal emergency management, and other TAHC programs.

SECTION 2. Amends Section 163.064(c), Agriculture Code, as follows:

(c) Authorizes TAHC to by rule regulate and require the vaccination of female cattle within all or any of the area classifications. Authorizes TAHC, among other rules, to adopt rules providing for:

- (1) the identification of cattle to be vaccinated consistent with Section 161.056 (Animal Identification Program);
- (2) approval of the vaccine used; and
- (3) the method of administering the vaccine.

SECTION 3. Amends Section 163.065(a), Agriculture Code, as follows:

(a) Requires the person performing a test, if the tested animal shows evidence of infection with brucellosis, to handle the animal in accordance with the rules of TAHC. Authorizes TAHC to prescribe requirements according to the classification of the area in which the animal is located. Authorizes TAHC, among other requirements, to require the person performing the test to:

- (1) furnish the owner of the animal with written data showing that the animal is infected;
- (2) fire brand the animal on the left jaw with the letter "B"; and
- (3) place an approved, numbered identification on the animal consistent with Section 161.056 (Animal Identification Program).

Deletes existing text authorizing TAHC, among other requirements, to require the person performing the test to report the identification number in writing to TAHC. Makes nonsubstantive changes.

SECTION 4. Repealers: Sections 161.056(b) (relating to authorizing TAHC to recognize certain identification numbers as official identification numbers in the state), (d) (relating to authorizing TAHC to establish a date by which all premises are required to be registered and authorizing TAHC to assess a registration fee on all entities that register for a premises identification number), (g) (relating to providing that a person commits an offense if the person fails to comply with an order or rule adopted under this section), and (h) (relating to providing that an offense under Subsection (g) is a Class C misdemeanor unless it is shown on the trial of the offense that the defendant has been convicted previously under this section, in which case the offense is a Class B misdemeanor), Agriculture Code.

SECTION 5. (a) Provides that the repeal by this Act of Section 161.056(g), Agriculture Code, does not apply to an offense committed under that subsection before the effective date of this Act. Provides that, for purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) Provides that an offense committed before the effective date of this Act is governed by Section 161.056(g), Agriculture Code, as it existed when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. Effective date: upon passage or September 1, 2013.