

Postponed from May 1 general state calendar

- SUBJECT:** Expanding liability for the improper handling of diseased animals
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 6 ayes — T. King, C. Anderson, Cyrier, González, Simpson, Springer
1 nay — Rinaldi
- WITNESSES:** For — (*Registered, but did not testify:* Donald Ward, Livestock Marketing Association of Texas; Kaleb McLaurin, Texas and Southwestern Cattle Raisers Association; Marissa Patton, Texas Farm Bureau; Robert Turner, Texas Poultry Federation)
Against — None
On — (*Registered, but did not testify:* Andy Schwartz, Texas Animal Health Commission)
- BACKGROUND:** Under Agriculture Code, sec. 161.041, individuals commit an offense if they improperly handle animals with communicable diseases. It is a class C misdemeanor (maximum fine of \$500) if the person knowingly failed to handle livestock or fowl infected with a certain disease in accordance with rules adopted by the Texas Animal Health Commission. Subsequent offenses are class B misdemeanors (up to 180 days in jail and/or a maximum fine of \$2,000).
According to 4 Texas Administrative Code, part 2, sec. 59.11, the Texas Animal Health Commission may issue an order designating standards to require testing, movement, inspection, and treatment of animals in an area or county deemed high risk for a disease.
- DIGEST:** CSHB 2311 would add to what could be considered an offense for the improper handling of animals infected with a communicable disease.

Individuals would be subject to a criminal penalty if they failed to handle properly an animal that had been exposed to a communicable disease or if the animal was subject to testing by the Texas Animal Health Commission due to a risk of exposure for a communicable disease. A person would be liable only if the Texas Animal Health Commission had notified the person that the animal had been exposed or was subject to testing due to a risk of exposure.

The bill would take effect September 1, 2015, and would apply only to an offense committed on or after that date.

**SUPPORTERS
SAY:**

CSHB 2311 would help the Texas Animal Health Commission ensure the biosecurity of the food chain by attaching a criminal penalty to the improper handling of certain animals that were exposed to a communicable disease or subject to testing for disease.

By creating criminal liability for individuals who improperly handled animals that the commission suspected of having a communicable disease, this bill would help the commission enforce hold orders. A hold order requires individuals to restrict an animal's movement until the Texas Animal Health Commission can perform tests on it, and under current law, a criminal penalty applies only if an animal that is infected is handled improperly. However, it is important to restrict the animal's movement even if the commission simply suspects an animal may have been exposed to a communicable disease. With the size of modern herds and their proximity to each other, a single diseased animal can have disastrous consequences for agriculture across the entire state.

**OPPONENTS
SAY:**

CSHB 2311 unnecessarily would expand criminal liability. The state should trust farmers and animal handlers to take this threat seriously, exercise personal responsibility, and regulate themselves accordingly. Simply creating more laws and more penalties that could threaten animal handlers with criminal liability would be unnecessary.