

## **BILL ANALYSIS**

C.S.H.B. 3451  
By: Stucky  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned about the lack of publicly available studies on the use of lethal pesticides, such as warfarin, for feral hog control. C.S.H.B. 3451 seeks to address those concerns by requiring certain study requirements to be met before a lethal pesticide for feral hog control may be registered or approved or allowed for use in Texas.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3451 amends the Agriculture Code to prohibit the Department of Agriculture from registering, approving for use, or allowing the use of a lethal pesticide, including warfarin, for feral hog control in Texas unless a study as provided by the bill recommends the pesticide be registered for that use. The bill authorizes a state agency or institution of higher education to perform a scientific study of potential feral hog control measures in Texas. The bill requires the study to include controlled field trials; examine the potential use of warfarin or other lethal pesticides for feral hog control; assess the negative impacts to wildlife, agricultural interests, and property owners of the control measures included in the study; and assess the environmental consequences of such control measures. The bill requires the state agency or institution of higher education to publish the findings, recommendations, and results of the study in the Texas Register. The bill subjects the state agency or institution of higher education that performs the study to state public information law in connection with the study and requires the state agency or institution of higher education to hold public hearings to obtain input from the public and appropriate stakeholders.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3451 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter C, Chapter 76, Agriculture Code, is amended by adding Section 76.048 to read as follows:

Sec. 76.048. FERAL HOG TOXICANTS; STUDY REQUIRED. (a) Notwithstanding any other law, the department may not register or otherwise approve for use in this state a lethal pesticide, including warfarin, for feral hog control unless a study under Subsection (b) recommends the pesticide be registered for that use.

(b) A state agency or institution of higher education may perform a scientific study of potential feral hog control measures in this state. The study must:

(1) include controlled field trials;  
(2) examine the potential use of warfarin or other lethal pesticides for feral hog control;  
(3) assess the economic consequences to hunters, hunting and sporting industries, agricultural interests, and property owners of the control measures included in the study; and

(4) assess the environmental consequences of the control measures included in the study.

(c) A state agency or institution of higher education shall publish the findings, recommendations, and results of a study under Subsection (b) in the Texas Register.

(d) A state agency or institution of higher education that performs a study under Subsection (b) is subject to Chapters 551 and 552, Government Code, in connection with the study and any meetings, hearings, or research conducted or public comments received in connection with the study.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 76, Agriculture Code, is amended by adding Section 76.048 to read as follows:

Sec. 76.048. FERAL HOG TOXICANTS; STUDY REQUIRED. (a) Notwithstanding any other law, the department may not register, approve for use, or allow the use of a lethal pesticide, including warfarin, for feral hog control in this state unless a study under Subsection (b) recommends the pesticide be registered for that use.

(b) A state agency or institution of higher education may perform a scientific study of potential feral hog control measures in this state. The study must:

(1) include controlled field trials;  
(2) examine the potential use of warfarin or other lethal pesticides for feral hog control;  
(3) assess the negative impacts to wildlife, agricultural interests, and property owners of the control measures included in the study; and

(4) assess the environmental consequences of the control measures included in the study.

(c) A state agency or institution of higher education shall publish the findings, recommendations, and results of a study under Subsection (b) in the Texas Register.

(d) A state agency or institution of higher education that performs a study under Subsection (b):

(1) is subject to Chapter 552, Government Code, in connection with the study; and

(2) shall hold public hearings to obtain input from the public and appropriate stakeholders.

SECTION 2. Same as introduced version.