

BILL ANALYSIS

Senate Research Center

H.B. 1145
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Natural Resources
5-7-97
Committee Report (Amended)

DIGEST

The American Bison, commonly referred to as buffalo, is no longer an endangered species and is now produced commercially in Texas. The Texas Animal Health Commission requires bison meat processed and sold in Texas to be labeled with "BISON" in bold, prominent letters. Prepared products, such as hamburger patties, sausage, etc., may not be labeled as bison if they contain the meat, fat, or other by-product of any other species, such as beef or pork. However, there are no such regulations for bison or water buffalo meat processed products which are imported from other states and sold in Texas. Consequently, imported products may contain meat other than bison or water buffalo, but need not indicate this on the label. Thus, consumers may be led to believe they are buying a pure product and will pay the same price at retail as if it were a pure product. Texas producers are at a competitive disadvantage because producers from other state can sell their products cheaper at wholesale due to mixing cheaper cuts of meat with processed bison or water buffalo products. This bill will set forth new regulations regarding the labeling of bison and buffalo products and to the exemption from ad valorem taxation of bison, and provide a criminal penalty.

PURPOSE

As proposed, H.B. 1145 sets forth new regulations regarding the labeling of bison and buffalo products and to the exemption from ad valorem taxation of bison, and provides a criminal penalty.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 6B, Agriculture Code, by adding Chapter 151, as follows:

CHAPTER 151. SALE OF BISON AND BUFFALO PRODUCTS

Sec. 151.001. DEFINITIONS. Defines "bison," "bison meat," "buffalo," "buffalo meat," "restaurant," and "retail store." Provides that for the purposes of Subsections (a)(1) and (a)(3), the terms "bison" and "buffalo" respectively, do not include a hybrid of the animals listed in those subdivisions.

Sec. 151.002. LABELING OF BISON AND BUFFALO MEAT. Sets forth requirements for the labeling of bison and buffalo meat sold by a restaurant or a retail store.

Sec. 151.003. CRIMINAL PENALTY. Provides that a person commits a Class C misdemeanor if the person knowingly violates Section 151.002(a) or (e). Provides that a subsequent offense under this section is a Class B misdemeanor. Requires the Texas Department of Health to enforce Section 151.002 and to file a criminal complaint against any person who violates Section 151.002(a) or (e).

SECTION 2. Amends Section 11.23(f), Tax Code, as follows:

(f) New heading: BISON, BUFFALO, AND CATTALO. Provides that a person is entitled to an exemption from taxation of the bison the person owns that are not held for gain and that

are used in experimental breeding with cattle for certain purposes.

SECTION 3. Effective date: September 1, 1997, except SECTION 2 of this Act takes effect January 1, 1998.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

- (1) Strike Section 151.002(e) and redesignate the subsequent sections appropriately.
- (2) On page 3, line 15, strike "menu."
- (3) On page 3, line 17, strike "menu."
- (4) On page 3, line 20, strike "menu provision."