

BILL ANALYSIS

Senate Research Center
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S.B. 682
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the 1980s and 1990s, industry trade groups developed plans for a national electronic animal identification system (NAIS). In 2002, the National Institute for Animal Agriculture and the United States Department of Agriculture (USDA) established a task force to create a national animal identification system. In April 2005, the USDA published the Draft Strategic Plan and the Program Standards for the NAIS. This set out a three-stage program: premises registration, animal identification, and animal tracking.

H.B. 1361, enacted during the 79th Legislature, Regular Session, 2005, authorized the Texas Animal Health Commission (TAHC) to develop an animal identification system, called the animal identification program (program), similar to NAIS being considered by USDA. At the time H.B. 1361 was being considered and passed, USDA was moving toward a mandatory NAIS, and TAHC also began adopting rules to implement a mandatory system. After a public outcry, USDA announced that the system would be voluntary at the federal level. The initial TAHC rules were designed to track a mandatory federal program rather than the voluntary program that was finally established. This has created confusion for Texans.

As proposed, S.B. 682 amends Section 161.056 (Animal Identification Program), Agriculture Code, to provide that the program is voluntary unless a mandatory NAIS is imposed by USDA. The bill authorizes a participant to withdraw from the program at any time.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTION 1 (Section 161.056, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.056, Agriculture Code, by adding Subsections (a-1), (j), (k), (l), and (m) and amending Subsections (c) and (d), as follows:

(a-1) Authorizes a person to apply for the animal identification program (program) by submitting an annual fee determined by the Texas Animal Health Commission (TAHC) and a signed application prescribed by TAHC. Requires that an application form prescribed by TAHC include a conspicuous notice that the program is voluntary unless the United States Department of Agriculture imposes a mandatory national animal identification system (system).

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

(d) Authorizes TAHC to assess a registration fee on all entities that register for a premises identification number. Deletes existing text authorizing TAHC to establish a date by which all premises must be registered.

(j) Prohibits TAHC from making the use of an animal identification program under this section mandatory unless a final federal rule adopted in accordance with 5 U.S.C. Section 553 makes the use of a system by persons in this state mandatory. Authorizes TAHC, if the use of a system becomes mandatory as provided by this subsection, to adopt rules and

implement a timeline to make the program under this section mandatory, but prohibits the rules from being more stringent than the federal rule mandating the use of a system.

(k) Prohibits TAHC from requiring the use of system-compliant premises registration or animal identification numbers or devices as part of a government program except as provided by Subsection (j).

(l) Authorizes a person who participates in the program, unless TAHC has developed rules and a timeline for implementing a mandatory program under Subsection (j), to withdraw from the program at any time. Requires TAHC to delete from the program all personal information relating to a participant when the participant withdraws from the program.

(m) Prohibits a person from conditioning a service, benefit, license, payment, or permit on participation in a program under this section unless TAHC has adopted rules and a timeline for implementing a mandatory program under Subsection (j).

SECTION 2. Repealer: Section 161.056(g) (relating to committing an offense under this section), Agriculture Code.

Repealer: Section 161.056(h) (relating to the classification offense under Subsection (g)), Agriculture Code.

SECTION 3. Requires TAHC, not later than November 1, 2009, to provide notice of the changes to Section 161.056, Agriculture Code, made by this Act to each person registered on the effective date of this Act under that section and provide the person with the opportunity to withdraw from the program.

SECTION 4. Effective date: upon passage or September 1, 2009.