

- SUBJECT:** Revising brand law and allowing electronic identification of livestock
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 6 ayes — Hardcastle, Miller, B. Brown, Burnam, D. Jones, Swinford
0 nays
1 absent — Laney
- WITNESSES:** For — Ed Small, Texas and Southwestern Cattleraisers Association
Against — None
- BACKGROUND:** Brand law in Texas dates back to 1848 and is set forth in Agriculture Code, ch. 144 and 146. In general, each person who owns cattle, hogs, sheep, or goats must have at least one earmark and at least one brand that differs from the marks and brands of the person's neighbors. Acceptable marks and brands for horses include fire or electric heat brands, freeze brands, acid brands, hoof brands, earmarks, tattoos, electronic devices, or other generally accepted identification methods. Each livestock owner must register his or her marks and brands with the county clerk and update them every 10 years.
- Under 7 U.S.C., sec. 217a, the U.S. Department of Agriculture designates a state agency or livestock association in each state to inspect livestock at stockyards, auctions, and slaughterhouses. In Texas, that entity is the Texas and Southwest Cattleraisers Association.
- The federal Farm Security and Rural Investment Act of 2002 requires mandatory country-of-origin labeling (COOL) beginning in 2004 for beef, lamb, pork, fish, perishable agricultural commodities, and peanuts, after a two-year voluntary program phase-in.
- DIGEST:** CSHB 2372 would amend Texas brand law to allow livestock owners to use tattoos and electronic devices to distinguish their cattle, hogs, sheep, or goats from their neighbors' livestock. Livestock owners would have to record new tattoos and electronic devices with the county clerk and would have to update

that information every 10 years. Within 30 days after the date a county clerk received a new cattle record, the clerk would have to make that information available under federal law to the Texas and Southwest Cattleraisers Association.

CSHB 2372 would repeal provisions related to driving cattle without a road brand, marking or branding an animal outside a pen, and recording a bill of sale and list of animals with the county clerk before driving. It would repeal Agriculture Code, ch. 144, subchapters B and D, regarding county brands and other provisions that apply only to counties. It also would repeal ch. 146, subchapter C, regarding inspection, sale and shipment of hides and animals in certain counties.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 2372 would repeal obsolete provisions in Texas brand law and would recognize technological advances in animal ownership identification by including electronic devices and tattoos as acceptable methods of branding all livestock. Horse owners already use electronic devices to tag their animals, and even small-animal veterinarians offer such a service for cat and dog owners. The Texas and Southwestern Cattleraisers Association has a scanner to read the new information, and the bill would provide a legal means for Texas ranchers to use this electronic identification.

The bill would update state brand law to prepare Texas ranchers and farmers for more sophisticated record keeping. Under COOL requirements enacted in the 2002 federal farm bill, ranchers and farmers will have to keep records sufficient to trace and verify claims of origin. Under this new system, which becomes mandatory in 2004, the entire production system, from birth to retail, must have appropriate record keeping in place. For example, even in the relatively simple situation in which a calf is born and raised on a farm in Virginia, finished in a feedlot in the Texas Panhandle, and slaughtered and processed by a Kansas packing plant, record keeping will be needed to establish country of origin. In each of these steps the animal is owned and managed by different parties, and even the component cuts of the animal are marketed to different retail outlets. At some point in the not too distant future, electronic record keeping no longer will be optional. CSHB 2372 would bring Texas' brand law into the 21st century.

Electronic branding already provides valuable information to modern ranching operations. Owners who track branded beef from birth to retail can collect information on how a particular animal is graded by meat inspectors, such as whether it was sold as prime beef or something else. This information goes back to the owner, who can keep track of which bull sired that animal and, thus, which breeds of cattle are genetically more likely to be graded prime than others. Other records that can be kept on an electronic chip include date of birth, sire and dam for purebreds, health and vaccination records, and the premises where an animal was bred, fed, or slaughtered. CSHB 2372 would facilitate a positive trend toward technological innovation in the Texas ranching industry.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

As filed, HB 2372 would have required county clerks to forward copies of branding records to the Texas and Southwestern Cattleraisers Association, rather than simply making the record available. It would have amended sections of the Agriculture Code related to the transportation of livestock. It would not have repealed provisions regarding recording a bill of sale and list of animals with the county clerk before driving.