

- SUBJECT:** Authorizing TAHC to establish disease surveillance program for elk
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 8 ayes — Gonzalez Toureilles, Anderson, B. Brown, Crabb, Hardcastle, Kleinschmidt, Rios Ybarra, Swinford
- 0 nays
- 1 absent — Heflin
- WITNESSES:** For — Warren Bluntzer; Kirby Brown, Texas Wildlife Association; Marida Favia del Core Borrromeo, Exotic Wildlife Association; (*Registered, but did not testify:* Jason Skaggs, Texas and Southwestern Cattle Raisers Association; Richard Winters, Texas Animal Health Commission)
- Against — None
- On — (*Registered, but did not testify:* Bob Hillman, DVM, Texas Animal Health Commission)
- BACKGROUND:** Elk and deer are prone to Chronic Wasting Disease (CWD), which is a protein malfunction that eventually destroys brain tissue, similar to mad cow disease in cattle and Creutzfeldt–Jakob disease in humans.
- White-tailed deer are considered wildlife indigenous to Texas and are under the regulatory jurisdiction of the Texas Parks and Wildlife Department (TPWD). At the direction of TPWD, white-tailed deer are tested in a surveillance program for CWD. Surveillance involves collecting and examining brain tissue from deer that have died.
- Elk are classified as exotic livestock, falling under the jurisdiction of the Texas Animal Health Commission (TAHC). The TAHC currently operates a voluntary disease surveillance program in place for elk.
- DIGEST:** CSHB 3330 would amend the Agriculture Code, ch. 161, subch. C to allow the TAHC to establish, by rule, a disease surveillance program for elk.

The rules adopted by TAHC would have to:

- require each person who moved elk in this state to have elk tested for CWD or other diseases;
- be designed to protect the health of the elk population in this state; and
- include provisions under the disease surveillance program for testing, identification, transportation, and inspection.

Violations would be a class C misdemeanor (maximum fine of \$500). If there was a previous conviction, the offense would be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).

The bill would take effect September 1, 2009.

**SUPPORTERS  
SAY:**

CSHB 3330 would provide TAHC the authority to establish and ensure the participation of elk owners in a disease surveillance program for CWD and other elk diseases. Very few elk currently are being tested under the voluntary program.

A regulated disease surveillance program for elk would be a precautionary measure that is long overdue. CWD has been detected in captive and wild deer and/or elk herds in Colorado, Wyoming, Nebraska, Utah, New Mexico, South Dakota, Wisconsin, Illinois, Minnesota, Montana, Kansas, Oklahoma, and New York. CWD has not yet been found in Texas, but we are at high risk due to free-ranging elk coming from New Mexico. Also, although elk are not indigenous to Texas, a significant number of elk are brought in to Texas to be pen-raised as livestock.

CSHB 3330 would help prevent the spread of a disease that is being found in elk in nearby states. Although CWD has not yet been found in Texas, the disease may have infected elk in our state, but that is not yet known. It is important to know if an animal died of CWD and, if so, if it was wild or pen-raised and how long it was in an area. Knowing the infected animal's origin would allow the disease to be tracked and quickly isolated.

**OPPONENTS  
SAY:**

TAHC already operates a voluntary disease surveillance program. CWD is a rare disease that has not been found in Texas and is even more rare since elk are not indigenous to this state.

NOTES:

The substitute differs from the bill as filed by changing the language requiring elk being moved in commerce in Texas to participate in a disease surveillance program instead to allow the TAHC to establish, by rule, a disease surveillance program. The substitute also removed the reference to elk moved in commerce.