

BILL ANALYSIS

Senate Research Center
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H.B. 1958
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has nine export-import facilities along its international border with Mexico. Four of those facilities are operated by the Texas Department of Agriculture (TDA) and five are privately owned. The TDA facilities are located in El Paso, Del Rio, Laredo, and Brownsville. Three privately owned facilities are located in Presidio, one in Eagle Pass, and another in Del Rio. U.S. origin animals are staged at these facilities for inspections and permitting by Mexican officials before being exported to Mexico.

Currently, the Texas Animal Health Commission (TAHC) does not receive notification when animals are rejected for export due to inadequate records, disease, or pest concerns. These high-risk rejected animals do not have movement restrictions and, at times, have moved from an export-import facility directly to a Texas premises without appropriate testing, treatment, or disease and pest mitigation. This poses an immense threat to animal health and Texas' livestock, fiber, and food industries.

The bill proposes the needed statutory change to authorize TAHC to prescribe by rule reporting and movement requirements for animals rejected at export-import processing facilities. A statutory provision would allow TAHC to more effectively and efficiently mitigate disease exposure and threats from high-risk livestock refused entry in international trade and ensure private and public export-import facilities have consistent reporting requirements.

H.B. 1958 amends current law relating to the regulation of livestock export-import processing facilities and creates a criminal offense.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTION 1 (Section 161.0445, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 161, Agriculture Code, by adding Section 161.0445, as follows:

Sec. 161.0445. REGULATION OF EXPORT-IMPORT PROCESSING FACILITIES. (a) Defines "export-import facility."

(b) Requires the owner or person in charge of an export-import facility to notify the Texas Animal Health Commission (TAHC) not later than 24 hours after an animal received or held at the facility is refused export out of this state or entry into another country.

(c) Authorizes TAHC to require that an animal held at an export-import facility be tested or treated for a disease or pest if an authorized TAHC employee considers the test or treatment necessary. Authorizes TAHC to require that the testing or treatment be performed before the animal is removed from the export-import facility. Provides that this state is not liable for the amount of any fee charged for the testing or treatment.

(d) Authorizes TAHC to, for disease or pest control purposes, adopt rules necessary to implement, administer, and enforce this section. Authorizes the rules to include reporting and recordkeeping requirements and provisions governing the movement, inspection, testing, or treatment of animals.

(e) Provides that a person commits an offense if the person knowingly moves an animal in violation of a rule adopted under this section.

(f) Provides that an offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted under this section.

SECTION 2. Provides that Section 161.0445(b), Agriculture Code, as added by this Act, applies to an owner or person in charge of an export-import facility beginning on the 30th day after the effective date of this Act or on a later date provided by an order issued by the executive director of TAHC.

SECTION 3. Effective date: upon passage or September 1, 2021.