



For Immediate Release
February 14, 2024

TAHC Commissioners Adopt Rule Amendments, Additions & Repeals

Hearing and Appeal Procedures, Chronic Wasting Disease Movement Restriction Zones, and Grants, Gifts and Donations

AUSTIN, TX – The Texas Animal Health Commission (TAHC) held a regularly scheduled Commission meeting January 23, 2024, at its headquarters in Austin. The following rules were adopted and go into effect February 14, 2024.

Chapter 32, Hearing and Appeal Procedures- Amendments, Additions, and Repeal

The adopted amendments to §32.1 adds definitions for “Commissioner,” “Contested case,” and “Final order,” clarifies the definitions of “Executive director” and “Party,” and replaces “Hearing officer” with “Administrative Law Judge.” The amendments to §32.2 outline procedures for appeals of a monetary penalty for a violation, clarifies the process by which an individual may appeal an administrative penalty and the steps the TAHC must take if a notice of violation does not receive a timely response. The §32.2 amendments align the section requirements with the statutory requirements of the Texas Agriculture Code, §161.148.

The adopted amendments to §32.3 outline procedures for appeals of other orders and decisions, clarifies the process by which an individual may appeal orders and decisions of the TAHC that do not involve administrative penalties, and direct readers to other rules that provide specific appeal provisions. The adopted amendments to §32.4 specify hearing procedures and provide guidance to parties and administrative law judges about how contested case hearings referred to the State Office of Administrative Hearings (SOAH) must be conducted in a new section. The §32.4 amendments outline the procedures required by the Texas Agriculture Code, the Administrative Procedure Act, and the rules of SOAH. Additionally, Commissioners adopted to repeal the existing section of §32.6 and move the contents to §32.4.

The adopted amendments to §32.5 outline procedures for the disposition of contested cases and clarify already existing procedures following the conclusion of a contested case hearing. The §32.5 amendments detail how the TAHC must adopt final orders in a contested case, disposition of a case by default, and a party's opportunity to file a motion for rehearing upon the rendition of a final order.

Chapter 40, Chronic Wasting Disease- Amendments and Additions

The adopted amendments modify current Containment Zone (CZ) 2 and change CZ 5 and CZ 6 to align with modified zones developed in consultation with the Texas Parks and Wildlife Department (TPWD). Additional adoptions do not amend the geographical area of CZ 3 but amends the format, so each coordinate has eight decimal places rather than eleven. Other adopted amendments create a new CZ 7 in Hunt and Kaufman Counties and a new CZ 8 in Bexar County, in response to the detection of CWD.

The adopted amendments modify current Surveillance Zone (SZ) 2, reduce the size of current SZ 3, increase the size of current SZ 5, reduce the size of current SZ 8, and add a new SZ 11 and 12 in Uvalde County to align with modified zones developed in consultation with the TPWD. An additional amendment updates the geographic depiction in the attached graphic.



The adopted amendment creates §40.6(b)(2)(G) and reduces the current SZ 7 to add a new CZ within that area. Additionally, a new SZ 9 in Gillespie County, SZ 10 in Limestone County, SZ 13 in Zavala County, SZ 14 in Gonzales County, SZ 15 in Hamilton and Mills Counties, SZ 16 in Washington County, SZ 17 in Uvalde, Medina, Zavala, and Frio Counties, SZ 18 in Bexar County, SZ 19 in Sutton County, SZ 20 in Zavala County, and SZ 21 in Frio County were adopted in response to the detection of CWD.

Chapter 56, Grants, Gifts and Donations- Amendments, Additions, and Repeal

The adopted amendments to §56.1 states the purpose of the chapter as establishing rules for accepting gifts and for governing conduct between private donors and the TAHC and updates rule language to reflect current preferred TAHC terminology. The adopted amendments to §56.2 define terms used within the chapter, add definitions for "Commissioner" and "Executive director," clarify the definition of "Private donor," and remove the definition of "Officer."

The adopted amendments to §56.3 outline rules for accepting donations and clarify the responsibilities of the executive director and when donations must be acknowledged by commissioners in an open meeting. These §56.3 amendments are adopted to bring this section into better alignment with Chapter 575 of the Texas Government Code. The amendments to §56.4 specify when the TAHC may solicit gifts and move the reporting requirement to §56.3 to clarify that the requirement applies to all accepted grants, gifts, or donations. The adopted amendments to §56.5 detail what type of donations may be made to the TAHC, update rule language for readability, and clarify that donations may be for any amount and with or without restrictions.

The adopted amendments to §56.6 outline standards of conduct between commissioners, employees, and private donors and update rule language to reflect current preferred TAHC terminology. The adopted amendments to §56.7 prohibits acceptance of gifts from a party in a contested case and update rule language for readability.

All rules are available in the Texas Administrative Code under Title 4, Part 2, Chapter 40. The Texas Administrative Code can be accessed through the [TAHC website](http://www.tahc.texas.gov).

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The Texas Animal Health Commission (TAHC) was established in 1893 as the Livestock Sanitary Commission and charged with protecting the state's domestic animals "from all contagious or infectious diseases of a malignant character." TAHC remains true to this charge while evolving with the times to protect the health and marketability of all Texas livestock and poultry. Learn more about the TAHC by visiting www.tahc.texas.gov.