



Texas Department of Health

Patti J. Patterson, M.D.
Commissioner of Health

Carol S. Daniels
Deputy Commissioner for Programs

Roy L. Hogan
Deputy Commissioner for Administration

Randy P. Washington
Deputy Commissioner for Health Care Financing

1100 West 49th Street
Austin, Texas 78756-3199
(512) 458-7111
<http://www.tdh.state.tx.us>

TEXAS BOARD OF HEALTH

Walter D. Wilkerson, Jr., M.D., Chairman
Mary E. Ceverha, M.P.A., Vice-Chair
Ramiro R. Casso, M.D.
David L. Collins, P.E.
Ruth F. Stewart, M.S., R.N.C.
Betsy Triplett-Hurt

RECEIVED

SEP 02 1997

August 26, 1997

The Honorable Dan Morales
Attorney General of Texas
P. O. Box 12548
Austin, Texas 78701

Opinion Committee

RA-981

Attn: Opinion Committee

FILE # ML-39753-97
I.D. # 39753

Re: Chapter 150 of the Agriculture Code

Dear General Morales:

Chapter 150 of the Agriculture Code prohibits a state agency or political subdivision from the purchase of imported beef and requires the Texas Department of Health (the department) to enforce the section and to receive reports of violations. The Chapter also contains a requirement that all imported fresh meat be labeled "Product of _____ (nation of origin of the imported fresh meat)." This letter is to request an opinion of whether Chapter 150 is constitutional and in conformance with the North American Free Trade Agreement (NAFTA).

The department is concerned that enforcement of the labeling requirements may be impossible, since once an animal has been slaughtered, no determination of the nation of origin can be made. The statutory reference requires the labeling of a person who sells fresh meat at wholesale or at a retail store. The labeling is not required of the processing plant.

If you have any questions, please have a member of your staff contact Susan Tennyson, an attorney with my office, at 512-458-7236. I thank you in advance for your prompt attention to this matter.

Sincerely,

Patti J. Patterson, M.D.
Commissioner of Health