

By: Phillips

H.B. No. 535

Substitute the following for H.B. No. 535:

By: Elkins

C.S.H.B. No. 535

A BILL TO BE ENTITLED

1

AN ACT

2 relating to allowing a deer breeder to transfer and sell for
3 processing as venison certain breeder deer.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 43.357(a) and (b), Parks and Wildlife
6 Code, are amended to read as follows:

7 (a) The holder of a valid deer breeder's permit may:

8 (1) engage in the business of breeding breeder deer in
9 the immediate locality for which the permit was issued; ~~and~~

10 (2) sell, transfer to another person, or hold in
11 captivity live breeder deer for the purpose of propagation or sale;
12 and

13 (3) transfer and sell live breeder deer not needed for
14 propagation for the purpose of processing and sale as venison.

15 (b) The commission may make regulations governing:

16 (1) the possession of breeder deer held under the
17 authority of this subchapter;

18 (2) the recapture of lawfully possessed breeder deer
19 that have escaped from the facility of a deer breeder;

20 (3) permit applications and fees;

21 (4) reporting requirements;

22 (5) procedures and requirements for the purchase,
23 transfer, sale, or shipment of breeder deer;

24 (6) the endorsement of a deer breeder facility by a

1 certified wildlife biologist;

2 (7) the number of breeder deer that a deer breeder may
3 possess; ~~and~~

4 (8) the dates for which a deer breeder permit is valid;
5 and

6 (9) procedures for the identification, transfer, and
7 sale of live breeder deer not needed for propagation for the purpose
8 of processing and sale as venison.

9 SECTION 2. Section 43.364, Parks and Wildlife Code, is
10 amended to read as follows:

11 Sec. 43.364. USE OF BREEDER DEER. (a) Except as provided by
12 Subsection (b), breeder ~~Breeder~~ deer may be purchased, sold,
13 transferred, or received in this state only for the purposes of
14 liberation or holding for propagation. All breeder deer and
15 increase from breeder deer are under the full force of the laws of
16 this state pertaining to deer, and those breeder deer may be held in
17 captivity for propagation in this state only after a deer breeder's
18 permit is issued by the department under this subchapter.

19 (b) Live breeder deer not needed for propagation may be
20 transferred, processed, and sold as venison only in accordance with
21 Section 43.357 and either:

22 (1) Chapter 433, Health and Safety Code, and rules
23 adopted under that chapter; or

24 (2) 9 C.F.R. Part 352, as authorized by the federal
25 Agricultural Marketing Act of 1946 (7 U.S.C. Section 1621 et seq.).

26 SECTION 3. Section 433.003(5), Health and Safety Code, is
27 amended to read as follows:

1 (5) "Exotic animal" means:

2 (A) a member of a species of game not indigenous
3 to this state, including an axis deer, nilga antelope, red sheep, or
4 other cloven-hooved ruminant animal; or

5 (B) a breeder deer as defined by Section 43.351,
6 Parks and Wildlife Code, that the Parks and Wildlife Department has
7 identified for the purpose of processing and sale as venison.

8 SECTION 4. This Act takes effect September 1, 2011.