

By: Guillen

H.B. No. 3776

Substitute the following for H.B. No. 3776:

By: King of Zavala

C.S.H.B. No. 3776

A BILL TO BE ENTITLED

AN ACT

relating to the identification of breeder deer by microchips.

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

SECTION 1. Section 43.351(5), Parks and Wildlife Code, is amended to read as follows:

(5) "Durable identification tag" means a single tag described by Section 43.3562 that is used to identify a breeder deer ~~[not easily dislodged or removed and made of a material that is not likely to disintegrate or decompose. The term includes, but is not limited to, newly developed technologies, including radio frequency identification tags].~~

SECTION 2. Section 43.3561, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) Not later than March 31 of the year following the year in which a ~~the~~ breeder deer is born, the ~~a~~ breeder deer ~~[held in a permitted deer breeding facility]~~ must be identified by:

(1) attaching to the deer an external durable identification tag that is reasonably visible;

(2) implanting under the deer's skin a durable identification tag that is a microchip; or

(3) attaching or implanting a department-approved durable identification tag other than a tag described by Subdivision (1) or (2) ~~[placing on each breeder deer possessed by~~

1 ~~the deer breeder a single, reasonably visible, durable~~
2 ~~identification tag bearing an alphanumeric number of not more than~~
3 ~~four characters assigned by the department to the breeding facility~~
4 ~~in which the breeder deer was born and unique to that breeder deer].~~

5 (b) A deer breeder is not required to remove the durable
6 identification tag for any purpose but may remove the tag and
7 replace the tag immediately to meet the requirements of this
8 section.

9 (c) Except as provided by Subsection (e), a [(b)-A] person
10 may not remove or knowingly permit the removal of a breeder deer
11 held in a facility by a permittee under this subchapter unless the
12 breeder deer has been permanently and legibly tattooed in one ear
13 with the unique alphanumeric identifier approved by the department
14 ~~[identification number assigned to the breeder in lawful possession~~
15 ~~of the breeder deer and specific to the breeding facility in which~~
16 ~~the breeder deer was born or initially introduced if from an~~
17 ~~out-of-state source].~~

18 (d) Except as provided by Subsection (e), a [(c)-A] person
19 may not knowingly accept or permit the acceptance of a breeder deer
20 into a facility regulated under this subchapter unless the breeder
21 deer has been permanently and legibly tattooed in one ear with the
22 unique alphanumeric identifier approved by the department
23 ~~[identification number assigned to the breeder in lawful possession~~
24 ~~of the breeder deer and specific to the facility in which the~~
25 ~~breeder deer was born or initially introduced if from an~~
26 ~~out-of-state source].~~

27 (e) Instead of using a tattoo to identify a breeder deer

1 under Subsection (c) or (d), a deer breeder may identify a deer by
2 using a department-approved microchip implanted under the deer's
3 skin or another department-approved identification device.

4 SECTION 3. Subchapter L, Chapter 43, Parks and Wildlife
5 Code, is amended by adding Section 43.3562 to read as follows:

6 Sec. 43.3562. DURABLE IDENTIFICATION TAG. (a) A durable
7 identification tag may be any department-approved external tag,
8 microchip implant, or other identification device that meets the
9 requirements of this section.

10 (b) A durable identification tag must bear an alphanumeric
11 identifier approved by the department and unique to the breeder
12 deer to which it is attached or in which it is implanted.

13 (c) A durable identification tag must be not easily
14 dislodged or removed and made of a material not likely to
15 disintegrate or decompose.

16 SECTION 4. Section 43.357(b), Parks and Wildlife Code, is
17 amended to read as follows:

18 (b) The commission may make regulations governing:

19 (1) the possession of breeder deer held under the
20 authority of this subchapter;

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

23 (3) permit applications and fees;

24 (4) reporting requirements;

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

27 (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) the use of durable identification tags for
7 identifying breeder deer under this subchapter.

8 SECTION 5. This Act takes effect September 1, 2011.