

By: Jackson  
(Guillen)

S.B. No. 499

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

(5) "Durable identification tag" means a single tag that is not easily dislodged or removed, is [and] made of a material that is not likely to disintegrate or decompose, and bears an alphanumeric identifier approved by the department that is unique to the breeder deer to which it is attached or implanted. The term includes a department-approved external tag, microchip implant, or other identification device that meets the requirements of this definition. [~~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) affixing to the deer an external durable identification tag that is reasonably visible;

(2) implanting a durable identification tag that is a

1 microchip; or

2 (3) affixing or implanting, as appropriate, any other  
3 department-approved durable identification tag [~~placing on each~~  
4 ~~breeder deer possessed by the deer breeder a single, reasonably~~  
5 ~~visible, durable identification tag bearing an alphanumeric number~~  
6 ~~of not more than four characters assigned by the department to the~~  
7 ~~breeding facility in which the breeder deer was born and unique to~~  
8 ~~that breeder deer~~].

9 (b) A deer breeder is not required to remove the durable  
10 identification tag for any purpose but may remove the tag and  
11 replace the tag immediately to meet the requirements of this  
12 section.

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

22 (d) Except as provided by Subsection (e), a [~~(c)—A~~] person  
23 may not knowingly accept or permit the acceptance of a breeder deer  
24 into a facility regulated under this subchapter unless the breeder  
25 deer has been permanently and legibly tattooed in one ear with the  
26 unique alphanumeric identifier approved by the department  
27 [~~identification number assigned to the breeder in lawful possession~~

1 ~~of the breeder deer and specific to the facility in which the~~  
2 ~~breeder deer was born or initially introduced if from an~~  
3 ~~out-of-state source].~~

4 (e) Instead of using a tattoo to identify a breeder deer  
5 under Subsection (c) or (d), a deer breeder may identify a deer by  
6 using a department-approved microchip implanted under the deer's  
7 skin or other department-approved identification device.

8 SECTION 3. Subsection (b), Section 43.357, Parks and  
9 Wildlife Code, is amended to read as follows:

10 (b) The commission may make regulations governing:

11 (1) the possession of breeder deer held under the  
12 authority of this subchapter;

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

15 (3) permit applications and fees;

16 (4) reporting requirements;

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

19 (6) the endorsement of a deer breeder facility by a  
20 certified wildlife biologist;

21 (7) the number of breeder deer that a deer breeder may  
22 possess; ~~and~~

23 (8) the dates for which a deer breeder permit is valid;  
24 and

25 (9) the use of durable identification tags for  
26 identifying breeder deer under this section.

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