

By: Hegar

S.B. No. 989

A BILL TO BE ENTITLED

AN ACT

relating to the identification of breeder deer.

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 43.3561 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 approved for use by the department, 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 the breeder deer is born, a breeder deer held in a permitted deer breeding facility must be identified by placing on each breeder deer possessed by the deer breeder a single, external, reasonably visible, durable identification tag bearing an identification ~~[alphanumeric] number [of not more than four characters assigned by the department to the breeding facility in which the breeder deer was born and]~~ unique to that breeder deer.

(b) The durable identification tag must be designed so that it is not easily dislodged or removed and made of a material that is

1 not likely to disintegrate or decompose. The durable
2 identification tag may be of any type approved by the department.

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

7 (d) [~~(b)~~] A person may not remove or knowingly permit the
8 removal of a breeder deer held in a facility by a permittee under
9 this subchapter unless:

10 (1) the breeder deer has been permanently and legibly
11 tattooed in one ear with the unique identification number assigned
12 to the breeder in lawful possession of the breeder deer and specific
13 to the breeding facility in which the breeder deer was born or
14 initially introduced if from an out-of-state source; or

15 (2) the deer breeder has implanted in the deer an
16 implantable microchip as permitted by Section 43.3562(e).

17 (e) [~~(c)~~] A person may not knowingly accept or permit the
18 acceptance of a breeder deer into a facility regulated under this
19 subchapter unless:

20 (1) the breeder deer has been permanently and legibly
21 tattooed in one ear with the unique identification number assigned
22 to the breeder in lawful possession of the breeder deer and specific
23 to the facility in which the breeder deer was born or initially
24 introduced if from an out-of-state source; or

25 (2) the deer breeder has implanted in the deer an
26 implantable microchip as permitted by Section 43.3562(e).

27 SECTION 3. Subchapter L, Chapter 43, Parks and Wildlife

1 Code, is amended by adding Section 43.3562 to read as follows:

2 Sec. 43.3562. ALTERNATIVE UNIQUE NUMBERING SYSTEMS. (a)
3 The commission by rule shall adopt electronically readable
4 identification systems such as the National Animal Identification
5 System maintained by the United States Department of Agriculture
6 and implantable microchip numbering systems that may be used by a
7 deer breeder to identify breeder deer.

8 (b) The department shall review and approve radio frequency
9 identification tags and microchip implants that use the numbering
10 systems adopted under Subsection (a). The department shall publish
11 on the department's website a list of the approved identification
12 tags and implants.

13 (c) On request by a deer breeder and to the extent possible,
14 the department shall assign a four-digit alphanumeric
15 identification number to uniquely identify a breeder deer for use
16 on the deer's external durable identification tag or tattoo. If the
17 four-digit identification system becomes impracticable, the
18 commission by rule shall coordinate the use of electronically
19 readable identification numbers described by Subsections (d) and
20 (e) with the four-digit system to the extent required by this
21 subchapter.

22 (d) A deer breeder may use an external radio frequency
23 identification tag approved by the department with a numbering
24 system adopted under Subsection (a) as an external durable
25 identification tag for identifying a breeder deer. The deer
26 breeder must register the unique number encoded in the tag with the
27 department.

1 (e) A deer breeder may use an implantable microchip approved
2 by the department with a numbering system adopted under Subsection
3 (a) as a substitute for an ear tattoo. The deer breeder must
4 register the unique number encoded in the implantable microchip
5 with the department.

6 (f) The department's database for breeder deer must allow a
7 single breeder deer to be uniquely identified by any of the
8 following identifying numbers or combinations of numbers and
9 alphabetic characters:

10 (1) a unique alphanumeric identifier assigned by the
11 department to that deer;

12 (2) a unique identification number for that deer
13 registered under Subsection (d); or

14 (3) a unique identification number for that deer
15 registered under Subsection (e).

16 (g) A deer breeder that uses an electronically readable
17 identification system shall provide an authorized employee of the
18 department with a working device capable of reading the electronic
19 numbers as needed for inspection purposes under this subchapter.
20 The employee shall accept an electronically readable number that is
21 registered with the department as valid.

22 (h) The commission may adopt rules and procedures to
23 implement the use of alternative numbering systems under this
24 section.

25 SECTION 4. Subchapter L, Chapter 43, Parks and Wildlife
26 Code, is amended by adding Section 43.3581 to read as follows:

27 Sec. 43.3581. DURABLE IDENTIFICATION TAG EXCEPTION. The

1 durable identification tag on a breeder deer may be removed before
2 transporting the deer to a release site provided that the person
3 transporting the deer has possession of the tag for each deer being
4 transported and provides the tag to an authorized department
5 employee on request for inspection purposes.

6 SECTION 5. Section 43.367(a), Parks and Wildlife Code, is
7 amended to read as follows:

8 (a) Except as provided by Section 43.3581 or Subsection (b),
9 a person who violates a provision of this subchapter or a regulation
10 of the commission issued under this subchapter or who fails to file
11 a full and complete report as required by Section 43.359 commits an
12 offense that is a Class C Parks and Wildlife Code misdemeanor.

13 SECTION 6. (a) Not later than March 1, 2014, the Parks and
14 Wildlife Commission shall adopt alternative identification
15 numbering systems required by Section 43.3562(a), Parks and
16 Wildlife Code, as added by this Act.

17 (b) Not later than March 1, 2014, the Parks and Wildlife
18 Department shall approve and publish a list of radio frequency
19 identification tags and microchip implants as required by Section
20 43.3562(b), Parks and Wildlife Code, as added by this Act.

21 SECTION 7. Section 43.367(a), Parks and Wildlife Code, as
22 amended by this Act applies only to an offense committed on or after
23 the effective date of this Act. An offense committed before the
24 effective date of this Act is governed by the law in effect on the
25 date the offense was committed, and the former law is continued in
26 effect for that purpose. For purposes of this section, an offense
27 was committed before the effective date of this Act if any element

1 of the offense occurred before that date.

2 SECTION 8. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.