

AN ACT

relating to the identification of breeder deer.

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

SECTION 1. Section 43.3561, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) In this section:

(1) "Button back" means the portion of an identification tag used to secure the tag to the breeder deer.

(2) "Electronic identification device" means a button tag or implant that uses radio frequency identification technology.

(3) "Identification tag" means a tag attached to the ear of a breeder deer for the purposes of identification that meets the requirements of this section.

(4) "Unique identifier" means five alphanumeric characters assigned by the department to uniquely identify a breeder deer.

(b) 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 an [placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable] identification tag to the pinna of either ear of the breeder deer in a manner so that the face of the tag is clearly

1 visible on the anterior side of the ear; and

2 (2) applying a single electronic identification  
3 device [bearing an alphanumeric number of not more than four  
4 characters assigned by the department to the breeding facility in  
5 which the breeder deer was born and unique to that breeder deer].

6 (c) Except for a replacement identification tag described  
7 by Subsection (h), an identification tag applied under Subsection  
8 (b):

9 (1) must:

10 (A) be commercially manufactured;

11 (B) bear on the face and button back the unique  
12 identifier for the breeder deer to which it is attached in text  
13 placed by the manufacturer with characters on the face not less than  
14 5/16 inch wide and 1/2 inch tall and spaced not less than 1/16 inch  
15 apart;

16 (C) be securely affixed so as not to be dislodged  
17 or removed easily;

18 (D) be made of a material that is not likely to  
19 disintegrate or decompose; and

20 (E) have sufficient contrast between the color of  
21 the text and the color of the tag to make the text characters  
22 clearly visible; and

23 (2) may bear additional information, provided that a  
24 dividing line placed by the manufacturer below the unique  
25 identifier separates the unique identifier from the additional  
26 information.

27 (d) The text of the unique identifier may be larger than the

1 dimensions described by Subsection (c)(1)(B) but must maintain the  
2 same proportion of height and width.

3 (e) A breeder deer born before January 1, 2022, may be  
4 identified as described by Subsection (c) or (h). A breeder deer  
5 born on or after January 1, 2022, must be identified first as  
6 described by Subsection (c) before the breeder deer may be  
7 identified as described by Subsection (h).

8 (f) An electronic identification device applied under  
9 Subsection (b)(2) must be approved by the United States Department  
10 of Agriculture and have an associated 15-digit animal  
11 identification number that begins with 840. If the electronic  
12 identification device is a button tag, the button tag must be  
13 attached to the pinna of either ear of the breeder deer. If the  
14 electronic identification device is an implant, the implant may not  
15 be implanted in edible muscle. No person may remove an electronic  
16 identification device.

17 (g) The department shall create and maintain a database  
18 containing electronic identification device numbers entered by  
19 deer breeders. An electronic identification device applied under  
20 Subsection (b)(2) is valid for purposes of Subsection (b) only if  
21 the number associated with the device has been entered into the  
22 department database and corresponds with the unique identifier  
23 assigned to the breeder deer to or in which the device is attached  
24 or implanted. In making a determination to destroy a deer under  
25 Section 43.953, the department shall consider an electronic  
26 identification device that meets the requirements of this section  
27 as evidence of positive identification for a breeder deer that

1 cannot be identified by either the identification tag or tattoo  
2 required by Subsection (b) or (j), provided that the deer breeder  
3 entered the electronic identification device number into the  
4 database before the identity of the breeder deer was in question as  
5 determined by the department.

6 (h) A deer breeder immediately shall replace an  
7 identification tag that has been dislodged, damaged, or removed by  
8 means other than human agency to the extent that the identification  
9 tag does not meet the requirements of Subsections (b) and (c) with  
10 another identification tag that meets the requirements of  
11 Subsections (b) and (c), except that a deer breeder may create and  
12 attach a replacement identification tag. A replacement  
13 identification tag must:

14 (1) be clearly visible;

15 (2) have legible text written with a tag pen  
16 manufactured for use with the tag; and

17 (3) meet the requirements of Subsections (b)(1) and  
18 (c), except for the requirement that the text be placed on the tag  
19 by the manufacturer.

20 (i) A deer breeder is not required to remove the tag for any  
21 purpose but may remove the tag and replace the tag immediately to  
22 meet the requirements of this section.

23 (j) [~~(b)~~] A person may not remove or knowingly permit the  
24 removal of a breeder deer held in a facility by a permittee under  
25 this subchapter unless the breeder deer has been identified by  
26 applying a tattoo to the inner portion of either ear of the deer  
27 that:

1           (1) is made with commercially available #300 or 5/16  
2 inch tattoo letters and numbers;

3           (2) is legible, permanent, and green or black; and

4           (3) bears the same unique identifier printed on the  
5 identification tag attached to the deer under Subsection (c)  
6 ~~[permanently and legibly tattooed in one ear with the unique~~  
7 ~~identification number assigned to the breeder in lawful possession~~  
8 ~~of the breeder deer and specific to the breeding facility in which~~  
9 ~~the breeder deer was born or initially introduced if from an~~  
10 ~~out-of-state source].~~

11           (k) [(c)] A person may not knowingly accept or permit the  
12 acceptance of a breeder deer into a facility regulated under this  
13 subchapter unless the breeder deer has been identified as required  
14 by this section ~~[permanently and legibly tattooed in one ear with~~  
15 ~~the unique identification number assigned to the breeder in lawful~~  
16 ~~possession of the breeder deer and specific to the facility in which~~  
17 ~~the breeder deer was born or initially introduced if from an~~  
18 ~~out-of-state source].~~

19           SECTION 2. Section [43.351\(5\)](#), Parks and Wildlife Code, is  
20 repealed.

21           SECTION 3. The changes in law made by this Act to Section  
22 [43.3561](#), Parks and Wildlife Code, apply only to a breeder deer born  
23 on or after January 1, 2020. A breeder deer born before January 1,  
24 2020, is governed by the law in effect at the time the breeder deer  
25 was born, and the former law is continued in effect for that  
26 purpose.

27           SECTION 4. This Act takes effect September 1, 2019.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 810 passed the Senate on April 10, 2019, by the following vote: Yeas 25, Nays 5; and that the Senate concurred in House amendment on May 23, 2019, by the following vote: Yeas 30, Nays 1.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 810 passed the House, with amendment, on May 17, 2019, by the following vote: Yeas 138, Nays 8, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor