

By: Perry, Flores

S.B. No. 810

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 43.3561, Parks and Wildlife Code, is amended to read as follows:

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

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

(2) "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.

(3) "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 either ear of the breeder deer in a manner so that the face of the tag is clearly visible on the anterior side of the ear; and

(2) applying a tattoo to the inner portion of either

1 ear of the deer that:

2 (A) is made with commercially available 5/16  
3 inch tattoo letters and numbers;

4 (B) is legible, permanent, and green; and

5 (C) bears the same unique identifier printed on  
6 the identification tag attached to the deer under Subdivision (1)  
7 ~~[bearing an alphanumeric number of not more than four characters~~  
8 ~~assigned by the department to the breeding facility in which the~~  
9 ~~breeder deer was born and unique to that breeder deer. A deer~~  
10 ~~breeder is not required to remove the tag for any purpose but may~~  
11 ~~remove the tag and replace the tag immediately to meet the~~  
12 ~~requirements of this section].~~

13 (c) Except for a replacement identification tag described  
14 by Subsection (g), an identification tag applied under Subsection  
15 (b):

16 (1) must:

17 (A) be commercially manufactured;

18 (B) bear on the face the unique identifier for  
19 the breeder deer to which it is attached in black text placed by the  
20 manufacturer with characters not less than 5/16 inch wide and 1/2  
21 inch tall and spaced not less than 1/16 inch apart;

22 (C) be permanently affixed so as not to be  
23 dislodged or removed easily;

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

26 (E) have sufficient contrast between the color of  
27 the text and the color of the tag to make the text characters

1 clearly visible; and

2 (2) may bear additional information, provided that a  
3 dividing line placed by the manufacturer below the unique  
4 identifier separates the unique identifier from the additional  
5 information.

6 (d) The text of the unique identifier may be larger than the  
7 dimensions described by Subsection (c)(1)(B) but must maintain the  
8 same proportion of height and width.

9 (e) In addition to the requirements of Subsection (b), a  
10 deer breeder may use an electronic identification device to  
11 identify a breeder deer. The device must be approved by the United  
12 States Department of Agriculture and have an associated 15-digit  
13 animal identification number that begins with 840. If the device is  
14 a button type, the tag must be attached to the pinna of either ear.  
15 If the device is an implant, the device may not be implanted in or in  
16 contact with an edible muscle.

17 (f) The department shall create and maintain a database  
18 containing electronic identification device numbers submitted by  
19 deer breeders. The department may consider an electronic  
20 identification number as evidence of positive identification for a  
21 breeder deer that cannot be identified by either the identification  
22 tag or tattoo required by Subsection (b), provided that the deer  
23 breeder entered the electronic identification device number into  
24 the database before the department attempted to identify the  
25 breeder deer. The presence of an electronic identification device  
26 is not a defense to prosecution for a violation of the requirements  
27 of this section.

1       (g) A deer breeder immediately shall replace an  
2 identification tag that has been dislodged or damaged or that  
3 otherwise does not meet the requirements of Subsection (c) with  
4 another identification tag that meets the requirements of  
5 Subsection (c), except that a deer breeder may create and attach a  
6 replacement identification tag. A replacement identification tag  
7 must:

8               (1) be clearly visible;  
9               (2) have legible writing written with a tag pen  
10 manufactured for use with the tag; and  
11               (3) meet the requirements of Subsection (c), except  
12 for the requirement that the text be placed on the tag by the  
13 manufacturer.

14       (h) A deer breeder may remove an identification tag from a  
15 breeder deer for liberation purposes only after:

16               (1) a transfer permit for the breeder deer has been  
17 activated; and  
18               (2) the deer breeder or deer breeder's agent has  
19 verified that the breeder deer bears a tattoo meeting the  
20 requirements of this section.

21       (i) The person transporting breeder deer must possess an  
22 identification tag that has been removed in accordance with  
23 Subsection (h) from each breeder deer being transported that does  
24 not bear an identification tag in the vehicle used to transport the  
25 breeder deer until the transfer permit has been completed.

26       (j) A deer breeder shall replace the identification tag of a  
27 breeder deer for which a transfer permit was activated but not

completed before the transfer permit expires or is deactivated with a tag that meets the requirements of this section.

(k) A deer breeder may remove an identification tag at any time provided that the deer breeder immediately replaces the identification tag with a tag that meets the requirements of this section.

(1) [(b)] A person may not remove or knowingly permit the removal of a breeder deer held in a facility by a permittee under this subchapter unless the breeder deer has been tagged and [permanently and legibly] tattooed as required by this section [in one ear with the unique identification number assigned to the breeder in lawful possession of the breeder deer and specific to the breeding facility in which the breeder deer was born or initially introduced if from an out-of-state source].

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

SECTION 2. Section 43.351(5), Parks and Wildlife Code, is repealed.

SECTION 3. The changes in law made by this Act to Section 43.3561, Parks and Wildlife Code, apply only to a breeder deer born on or after January 1, 2020. A breeder deer born before January 1,

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1 2020, is governed by the law in effect at the time the breeder deer  
2 was born, and the former law is continued in effect for that  
3 purpose.

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