

By: Kacal

H.B. No. 3568

A BILL TO BE ENTITLED

AN ACT

relating to the sale and purchase of certain fish.

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

SECTION 1. Sections 66.020(b) and (c), Parks and Wildlife Code, are amended to read as follows:

(b) This section applies to the possession, transportation, sale, or purchase of any fish described by Subsection (a) [~~of this section~~] without regard to where the fish was taken, caught, or raised, but does not apply to:

(1) the transportation or possession of fish taken, caught, or raised outside this state and transported by common carrier without being unloaded from outside this state to a point of delivery outside this state;

(2) fish raised by being continuously fed a prepared feed and sold by a licensed Texas fish farmer if marked and identified as required under Chapter 134, Agriculture Code; [~~or~~]

(3) the sale of fish described by Subdivision (2) by:

(A) a licensed wholesale fish dealer;

(B) a licensed retail fish dealer; or

(C) a restaurant;

(4) bass of the genus *Micropterus* and crappie if the fish are:

(A) reared in private water; and

(B) sold by the holder of an aquaculture license

1 for the purpose of stocking:

2 (i) water of the state under a permit
3 required under Section 66.015(b); or

4 (ii) private water with the documentation
5 required under Section 134.018, Agriculture Code; or

6 (5) the lawful importation by the holder of a Texas
7 finfish import license into this state from another state or
8 foreign country or the exclusive economic zone of farm-raised red
9 drum, bass of the genus *Micropterus*, crappie, flathead catfish,
10 striped bass, white bass, or a hybrid of any of those fish that have
11 been continuously fed a prepared feed as a primary food source or
12 lawfully taken, caught, or raised blue marlin, jewfish, longbill
13 spearfish, muskellunge, northern pike, sailfish, sauger, snook,
14 spotted sea trout, tarpon, walleye, white marlin, yellow bass, or a
15 hybrid of any of those fish, if the fish are [~~transported or sold~~
16 ~~when not alive and are~~] tagged, invoiced, packaged, and labeled
17 under regulations of the commission and if the license holder
18 complies with any requirements the commission may establish by
19 proclamation that the fish enter the stream of commerce for sale in
20 this state in a condition allowing ready identification of the
21 species, including a requirement that the fish come into the state
22 with the head and tail intact and tagged and a requirement that an
23 invoice accompany all imported fish regulated by this section
24 through each sales transaction, including transactions at the place
25 of the final sale to the consumer.

26 (c) Notwithstanding Subsection (b)(5) [~~(b)(3) of this~~
27 ~~section~~], the commission may allow subsequent sale of lawfully

1 imported fish without the head and tail intact and without a tag if
2 the fish are labeled in a manner prescribed by the commission and
3 the tag when removed is destroyed. A tag, if required, must be of a
4 type prescribed by the commission and shall be sold to an applicant
5 at a cost as determined by the commission that is reasonable to
6 defray the administrative costs incurred in connection with the tag
7 requirement.

8 SECTION 2. Sections 66.111(a) and (b), Parks and Wildlife
9 Code, are amended to read as follows:

10 (a) Except as provided by Subsection (b) no person may buy
11 or offer to buy, sell or offer to sell, possess for the purpose of
12 sale, transport or ship for the purpose of sale, or barter or
13 exchange[+]

14 [~~(1) freshwater crappie, bass of the genus Micropterus,~~
15 ~~striped bass and hybrids of striped bass, white bass, walleye,~~
16 ~~sauger, northern pike, muskellunge, trout of the family Salmonidae,~~
17 ~~flathead catfish, or~~

18 [~~(2)~~] any [~~other~~] fish taken from the public fresh water
19 of this state.

20 (b) Subsection (a) [~~of this section~~] does not apply to:

21 (1) [~~a fish, other than a bass of the genus~~
22 ~~Micropterus, reared in private water under a fish farmer's license,~~

23 [~~(2) a fish possessed legally outside this state and~~
24 ~~transported into this state,~~

25 [~~(3) bass of the genus Micropterus reared in private~~
26 ~~water under a fish farmer's license and marketed for the purpose of~~
27 ~~stocking the water of this state,~~

1 ~~[(4)]~~ nongame fish regulated under Chapter 67 ~~[of this~~
2 ~~code]~~; or

3 (2) ~~[(5)]~~ channel catfish of more than 14 inches in
4 length or blue catfish of more than 14 inches in length taken from
5 the public fresh water of Angelina, Bowie, Camp, Cass, Chambers,
6 Franklin, Freestone, Gregg, Hardin, Harris, Harrison, Jasper,
7 Jefferson, Lamar, Leon, Liberty, Madison, Marion, Montgomery,
8 Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Red
9 River, Sabine, San Augustine, San Jacinto, Shelby, Titus, Trinity,
10 Tyler, Upshur, or Walker County, the public fresh water of the
11 Neches or Trinity River in Houston County, the public fresh water of
12 the Colorado River in Bastrop, Colorado, Fayette, Matagorda, or
13 Wharton County, or the public fresh water of Falcon Lake in Starr or
14 Zapata County.

15 SECTION 3. Section 66.2012(e), Parks and Wildlife Code, is
16 amended to read as follows:

17 (e) This section does not apply to activities that are
18 regulated under the exceptions provided by Subdivisions (1), (2),
19 and (5) ~~[(3)]~~ of Section 66.020(b) or under Subsections (f) and (g)
20 of that section.

21 SECTION 4. Section 66.111(c), Parks and Wildlife Code, is
22 repealed.

23 SECTION 5. This Act takes effect September 1, 2021.