

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 Texas wholesale fish dealer;

(B) a licensed Texas retail fish dealer; or

(C) a restaurant;

(4) bass of the genus Micropterus if the bass are:

(A) reared in private water;

(B) harvested for population management

purposes; and

1 (C) sold by the holder of an aquaculture license
2 for the purpose of stocking water of the state with documentation
3 required under Section 134.018, Agriculture Code; or

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

24 (c) Notwithstanding Subsection (b)(5) [~~(b)(3) of this~~
25 ~~section~~], the commission may allow subsequent sale of lawfully
26 imported fish without the head and tail intact and without a tag if
27 the fish are labeled in a manner prescribed by the commission and

1 the tag when removed is destroyed. A tag, if required, must be of a
2 type prescribed by the commission and shall be sold to an applicant
3 at a cost as determined by the commission that is reasonable to
4 defray the administrative costs incurred in connection with the tag
5 requirement.

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

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

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

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

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

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

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

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

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

1 (2) [~~(5)~~] channel catfish of more than 14 inches in
2 length or blue catfish of more than 14 inches in length taken from
3 the public fresh water of Angelina, Bowie, Camp, Cass, Chambers,
4 Franklin, Freestone, Gregg, Hardin, Harris, Harrison, Jasper,
5 Jefferson, Lamar, Leon, Liberty, Madison, Marion, Montgomery,
6 Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Red
7 River, Sabine, San Augustine, San Jacinto, Shelby, Titus, Trinity,
8 Tyler, Upshur, or Walker County, the public fresh water of the
9 Neches or Trinity River in Houston County, the public fresh water of
10 the Colorado River in Bastrop, Colorado, Fayette, Matagorda, or
11 Wharton County, or the public fresh water of Falcon Lake in Starr or
12 Zapata County.

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

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

19 SECTION 4. Section 66.111(c), Parks and Wildlife Code, is
20 repealed.

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