

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for .B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S..B. No. \_\_\_\_\_

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) "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 visible on the anterior side of the ear; and

(2) applying a tattoo to the inner portion of either ear of the deer that:

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

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

(C) bears the same unique identifier printed on the identification tag attached to the deer under Subdivision (1) [bearing an 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. A deer breeder is not required to remove the tag for any purpose but may remove the tag and replace the tag immediately to meet the requirements of this section].

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

(1) must:

(A) be commercially manufactured;

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

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

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

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

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

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

(e) Prior to January 1, 2022, breeder deer may be identified by the method prescribed by Subsection (c) or the method prescribed by Subsection (h). For any breeder deer born on or after January

1, 2022, the breeder deer must first have been identified as required by Subsection (c) before the breeder deer can be identified by the method prescribed in Subsection (h).

(f) In addition to the requirements of Subsection (b), a deer breeder may use a single electronic identification device as a supplemental means to identify a breeder deer. The electronic identification device must be approved by the United States Department of Agriculture and have an associated 15-digit animal identification number that begins with 840. If the electronic identification device is a button tag, the button tag must be attached to the pinna of either ear of the breeder deer. If the electronic identification device is an implant, the implant may not be implanted in or in contact with edible muscle. No person may remove an electronic identification device.

(g) The department shall create and maintain a database containing electronic identification device numbers entered by deer breeders. An electronic identification device is valid for purposes of subsection (f) and (g) only if the number associated with the device has been entered into the department database and corresponds with the unique identifier assigned to the breeder deer to or in which the device is attached or implanted. In making a determination to destroy a deer under Section 43.953, the department shall consider an electronic identification number as

evidence of positive identification for a breeder deer that cannot be identified by either the identification tag or tattoo required by Subsection (b), provided that the deer breeder entered the electronic identification device number into the database before the identity of the breeder deer was in question as determined by the department.

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

(1) be clearly visible;

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

(3) meet the requirements of Subsection (c), except for the requirement that the text be placed on the tag by the manufacturer.

(i) 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.

(j) [(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 tattooed as required by this section [~~permanently and legibly tattooed 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~~].

(k) [(e)] 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 identified as required by this section [~~permanently and legibly tattooed 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, 2020, is governed by the law in effect at the time the

breeder deer was born, and the former law is continued in effect for that purpose.

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