

Chairman Cyrier and Members of the Culture, Recreation and Tourism Committee,

Texas has long celebrated its great hunting, steadfast property rights, and business-friendly environment - all of which are well represented in the House Committee Substitute for SB 810. The conversation surrounding the identification of breeder deer has continued over multiple legislative sessions, countless stakeholder meetings, and ongoing discussions with the legislature and our partners at Texas Parks and Wildlife Department. After careful consideration and deliberation, we believe this bill strikes a balance of the important principles of this state and of our organizations. This is a significant accomplishment for each of us to be able to collectively agree on a bill that is good for everyone involved.

The Committee Substitute for SB 810 does include compromises from each of our organizations. The bill allows for the continuation of the identification system for breeder deer by expanding the numbering system to five digits, makes key clarifications to the methods of identification, and recognizes the use of electronic identification devices. These solutions are critical to the deer breeding industry and the state's wildlife populations.

We'd like to thank Chairman Cyrier and the Members of the Culture, Recreation & Tourism Committee for working with us on this issue and others this session. We'd also like to thank Parks and Wildlife Department for continuing to be a partner in wildlife conservation and management.



David Yeates
Chief Executive Officer, Texas
Wildlife Association



Patrick Tarlton
Executive Director, Texas Deer
Association



Don Steinbach
Executive Director, Texas Chapter of
the Wildlife Society



Tim Condict
Executive Director, Deer Breeders
Corporation

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S. .B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the identification of breeder deer.

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

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

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

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

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

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

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

18 (b) Not later than March 31 of the year following the year in
19 which a ~~the~~ breeder deer is born, the ~~a~~ breeder deer ~~held in a~~
20 ~~permitted deer breeding facility~~ must be identified by:

21 (1) attaching an ~~placing on each breeder deer~~
22 ~~possessed by the deer breeder a single, reasonably visible,~~
23 ~~durable~~ identification tag to the pinna of either ear of the
24 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.