

## **BILL ANALYSIS**

C.S.H.B. 2855  
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Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties would like the ability to use microchip implants as an alternative form of identification for breeder deer held under a Parks and Wildlife Department permit. C.S.H.B. 2855 seeks to achieve this goal by giving deer breeding facilities the option of identifying a breeder deer with a microchip implant.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2855 amends the Parks and Wildlife Code to provide the option of identifying a breeder deer held in a permitted deer breeding facility by the implantation in the breeder deer of a microchip that is recognized by the U.S. Department of Agriculture for the identification of animals as an alternative to the placement on the breeder deer of a durable identification tag bearing a unique alphanumeric number. The bill requires a deer breeder that uses a microchip for the identification of breeder deer to make available a microchip reader for use by personnel of the Parks and Wildlife Department and the Texas Animal Health Commission.

C.S.H.B. 2855 includes the implantation of a microchip among the purposes for which a deer breeder, a deer breeder's authorized agent, or an assistant who is not a deer breeder permittee but is acting under the direction of a deer breeder or a deer breeder's authorized agent may capture a breeder deer held in a permitted facility. The bill authorizes the Parks and Wildlife Commission to make regulations governing the use of microchip implants for identifying breeder deer under provisions relating to deer breeder's permit privileges and regulations.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2855 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 43.3561, Parks and Wildlife Code, is amended to read as follows: Sec. 43.3561. IDENTIFICATION OF BREEDER DEER.

(a) 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) placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable identification tag 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;

or

(2) implanting in the breeder deer a microchip that is programmed to contain the alphanumeric number described by Subdivision (1).

(b) A deer breeder is not required to remove the durable identification tag or microchip for any purpose but may remove the tag or microchip and replace the tag or microchip immediately to meet the requirements of this section.

(c) Except as provided by Subsection (e), a [(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 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.

(d) Except as provided by Subsection (e), a [(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 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.

(e) Instead of using a tattoo to identify a breeder deer under Subsection (c) or (d), a deer breeder may identify a deer by using a department-approved microchip implanted

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 43.3561, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a) 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) placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable identification tag 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; or

(2) implanting in the breeder deer a microchip that is recognized by the United States Department of Agriculture for the identification of animals.

(a-1) A deer breeder is not required to remove the durable identification tag or microchip for any purpose but may remove the tag or microchip and replace the tag or microchip immediately to meet the requirements of this section.

under the deer's skin.

(f) The department annually may inspect a deer breeding facility that uses microchip implants to identify breeder deer to ensure compliance with this section.

(a-2) A deer breeder that uses a microchip for the identification of breeder deer shall make available a microchip reader for use by personnel of the department and the Texas Animal Health Commission.

SECTION 2. Sections 43.357(a-1) and (b), Parks and Wildlife Code, are amended.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.