

## **BILL ANALYSIS**

Senate Research Center  
83R5360 SGA-F

S.B. 989  
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Agriculture, Rural Affairs & Homeland Security  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 989 seeks to allow microchip implants or external radio frequency identification tags as optional, alternate forms of identification for breeder deer instead of the current requirements of tattoos or ear-tags which can be torn off, causing infection or destruction of deer if identification cannot be readily determined. These alternate forms of technology are accepted, reliable, and viable veterinarian tools for animal identification. Such technology as optional alternatives for breeder deer identification keeps up with current trends and will inflict less trauma and stress on the deer than imposed through the current requirements of ear-tagging and tattooing. Ear tags often fall off or are torn off by getting tangled in heavy brush or fences, or chewed on by other deer, resulting in permanent disfigurement and frequent ear infections. Tattoos can be applied improperly, become unreadable or distorted to cover illegal activity. Human error can result in inadvertent mistakes creating serious impediments for accurate identification, herd inventory, and tracking—all critical components of mandated disease monitoring. Lack of identification can result in deer having to be destroyed by the Texas Parks and Wildlife Department (TPWD).

Radio frequency identification tags and microchip implants can help prevent needless euthanization of breeder deer when identification cannot otherwise be readily determined by law enforcement. The proposed legislation will clarify that microchip implants and external radio frequency identification tags are acceptable options for compliance with statutory identification requirements for breeder deer. These alternative forms of identification track current federal requirements and will allow permit-holders and law enforcement to quickly, safely, and accurately determine needed information for deer tracking, including official identification, annual herd inventory reports, disease status, or any other information deemed necessary.

The bill also requires deer breeders to furnish to authorized personnel of TPWD any equipment needed to read the electronic devices if that option is selected. For breeder permit-holders with small deer herds and/or those who do not want to incur the cost of the new technology, the bill continues to allow the use of ear tags and tattoos. The legislation grants TPWD authority to adopt rules regarding administration of the new system including the permit numbering system and internal database. The legislation also clarifies that a deer breeder may remove the external tags from a breeder deer prior to transporting the deer to a release site provided the breeder has the tags on his/her person to present to a TPWD official upon request.

As proposed, S.B. 989 amends current law relating to the identification of breeder deer.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 3 (Section 43.3562, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 43.351(5), Parks and Wildlife Code, to redefine "durable identification tag."

SECTION 2. Amends Section 43.3561, Parks and Wildlife Code, as follows:

Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) Requires that a breeder deer held in a permitted deer breeding facility, not later than March 31 of the year following the year in which the breeder deer is born, be identified by placing on each breeder deer possessed by the deer breeder a single, external, reasonably visible, durable identification tag bearing an identification number unique to that breeder deer, rather than 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.

(b) Requires that the durable identification tag be designed so that it is not easily dislodged or removed and made of a material that is not likely to disintegrate or decompose. Authorizes the durable identification tag to be of any type approved by the Texas Parks and Wildlife Department (TPWD).

(c) Creates this subsection from existing text. Provides that a deer breeder is not required to remove the durable identification tag for any purpose but is authorized to remove the tag and replace the tag immediately to meet the requirements of this section.

(d) Redesignates existing Subsection (b) as Subsection (d). Prohibits a person from removing or knowingly permitting the removal of a breeder deer held in a facility by a permittee under this subchapter (Deer Breeder's Permit) unless:

(1) 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; or

(2) the deer breeder has implanted in the deer an implantable microchip as permitted by Section 43.3562(e).

(e) Redesignates existing Subsection (c) as Subsection (e). Prohibits a person from knowingly accepting or permitting the acceptance of a breeder deer into a facility regulated under this subchapter unless:

(1) 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; or

(2) the deer breeder has implanted in the deer an implantable microchip as permitted by Section 43.3562(e).

SECTION 3. Amends Subchapter L, Chapter 43, Parks and Wildlife Code, by adding Section 43.3562, as follows:

Sec. 43.3562. ALTERNATIVE UNIQUE NUMBERING SYSTEMS. (a) Requires the Texas Parks and Wildlife Commission (commission) by rule to adopt electronically readable identification systems such as the National Animal Identification System maintained by the United States Department of Agriculture and implantable microchip numbering systems that are authorized to be used by a deer breeder to identify breeder deer.

(b) Requires TPWD to review and approve radio frequency identification tags and microchip implants that use the numbering systems adopted under Subsection (a). Requires TPWD to publish on TPWD's website a list of the approved identification tags and implants.

(c) Requires TPWD, on request by a deer breeder and to the extent possible, to assign a four-digit alphanumeric identification number to uniquely identify a breeder deer for use on the deer's external durable identification tag or tattoo. Requires the commission, if the four-digit identification system becomes impracticable, by rule to coordinate the use of electronically readable identification numbers described by Subsections (d) and (e) with the four-digit system to the extent required by this subchapter.

(d) Authorizes a deer breeder to use an external radio frequency identification tag approved by TPWD with a numbering system adopted under Subsection (a) as an external durable identification tag for identifying a breeder deer. Requires the deer breeder to register the unique number encoded in the tag with TPWD.

(e) Authorizes a deer breeder to use an implantable microchip approved by TPWD with a numbering system adopted under Subsection (a) as a substitute for an ear tattoo. Requires the deer breeder to register the unique number encoded in the implantable microchip with TPWD.

(f) Requires TPWD's database for breeder deer to allow a single breeder deer to be uniquely identified by any of the following identifying numbers or combinations of numbers and alphabetic characters:

(1) a unique alphanumeric identifier assigned by TPWD to that deer;

(2) a unique identification number for that deer registered under Subsection (d); or

(3) a unique identification number for that deer registered under Subsection (e).

(g) Requires a deer breeder that uses an electronically readable identification system to provide an authorized employee of TPWD with a working device capable of reading the electronic numbers as needed for inspection purposes under this subchapter. Requires the employee to accept an electronically readable number that is registered with TPWD as valid.

(h) Authorizes the commission to adopt rules and procedures to implement the use of alternative numbering systems under this section.

SECTION 4. Amends Subchapter L, Chapter 43, Parks and Wildlife Code, by adding Section 43.3581, as follows:

Sec. 43.3581. DURABLE IDENTIFICATION TAG EXCEPTION. Authorizes the durable identification tag on a breeder deer to be removed before transporting the deer to a release site provided that the person transporting the deer has possession of the tag for each deer being transported and provides the tag to an authorized TPWD employee on request for inspection purposes.

SECTION 5. Amends Section 43.367(a), Parks and Wildlife Code, to provide that a person who violates a provision of this subchapter or a regulation of the commission issued under this subchapter or who fails to file a full and complete report as required by Section 43.359, except as provided by Section 43.3581 or Subsection (b), commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 6. (a) Requires the commission, not later than March 1, 2014, to adopt alternative identification numbering systems required by Section 43.3562(a), Parks and Wildlife Code, as added by this Act.

(b) Requires TPWD, not later than March 1, 2014, to approve and publish a list of radio frequency identification tags and microchip implants as required by Section 43.3562(b), Parks and Wildlife Code, as added by this Act.

SECTION 7. Provides that Section 43.367(a), Parks and Wildlife Code, as amended by this Act applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 8. Effective date: upon passage or September 1, 2013.