

## **BILL ANALYSIS**

Senate Research Center

S.B. 810  
By: Perry; Flores  
Water & Rural Affairs  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas deer breeders are currently required to tag each deer held in captivity by March 31 of the year following their birth. These tags bear a unique number issued by Texas Parks and Wildlife Department (TPWD). Deer breeders are also required to tattoo each deer with the same unique number, but only when the deer leaves the facility thus creating an extended period of time in which the deer may only have one form of identification (i.e. tag).

#### Bill Summary:

- this legislation will require that each deer held in captivity has a tag with a visible, unique identification number and a legible tattoo by March 31 in the year following their birth;
- this bill will still allow deer breeders to utilize their own identification system on ear tags in addition to the TPWD unique number;
- this legislation will also allow a deer breeder to utilize an electronic identification device (EID) implant as a supplemental form of identification in the event that the tag and tattoo fail to identify the animal;
- this bill will change the "unique identifier" number from 4 to 5 alphanumeric characters assigned by TPWD to uniquely identify a breeder deer.

#### The committee substitute:

- clarifies that the text should be on both the tag button and tag face, but that the minimum text size should only apply to the tag face;
- replaces the term "tag button" with "button back";
- allows for the use of an EID button tag in lieu of a tattoo;
- requires an EID button tag, if used, to be placed in the ear on which the identification tag is not attached;
- prohibits the use of an EID implant as a supplemental form of identification if an EID button tag is used;
- requires that an EID implant be placed in the subcutaneous tissue at the base of either ear;
- allows for the removal of the identification tag upon liberation only if the EID button tag has been attached to the other ear; and
- prohibits the removal of an electronic identification device. (Original Author's/Sponsor's Statement of Intent)

S.B. 810 amends current law relating to the identification of breeder deer.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 43.3561, Parks and Wildlife Code, as follows:

Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) Redesignates existing Subsections (b)-(c) as Subsections (j)-(k). Defines "button back," "electronic identification device," "identification tag," and "unique identifier."

(b) Creates this subsection and Subdivisions (1) and (2) from existing text and makes nonsubstantive changes. Requires a breeder deer, rather than 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, to be identified by:

(1) attaching an 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, rather than 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 Texas Parks and Wildlife Department (TPWD) to the breeding facility in which the breeder deer was born and unique to that breeder deer; and

(2) applying a single electronic identification device.

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

(1) is required to:

(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 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) is authorized to 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) Authorizes the text of the unique identifier to be larger than the dimensions described by Subsection (c)(1)(B) but requires the text to maintain the same proportion of height and width.

(e) Authorizes a breeder deer born before January 1, 2022, to be identified as described by Subsection (c) or (h). Requires a breeder deer born on or after January 1, 2022, to be identified first as described by Subsection (c) before the breeder deer may be identified as described by Subsection (h).

(f) Requires an electronic identification device applied under Subsection (b)(2) to be approved by the United States Department of Agriculture and have an associated 15-digit animal identification number that begins with 840. Requires the button tag, if the electronic identification device is a button tag, to be attached to the pinna of either ear of the breeder deer. Prohibits the implant, if the electronic identification device is an implant, from being implanted in edible muscle. Prohibits a person from removing an electronic identification device.

(g) Requires TPWD to create and maintain a database containing electronic identification device numbers entered by deer breeders. Provides that an electronic identification device applied under Subsection (b)(2) is valid for purposes of Subsection (b) only if the number associated with the device has been entered into TPWD database and corresponds with the unique identifier assigned to the breeder deer to or in which the device is attached or implanted. Requires TPWD, in making a determination to destroy a deer under Section 43.953 (Destruction of Deer), to consider an electronic identification device that meets the requirements of this section as evidence of positive identification for a breeder deer that cannot be identified by either the identification tag or tattoo required by Subsection (b) or (j), 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 TPWD.

(h) Requires a deer breeder immediately to 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. Requires a replacement identification tag to:

(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 Subsections (b)(1) and (c), except for the requirement that the text be placed on the tag by the manufacturer.

(i) Creates this subsection from existing text and makes no further changes.

(j) Prohibits a person from removing or knowingly permit the removal of a breeder deer held in a facility by a permittee under this subchapter (Deer Breeder's Permit) unless the breeder deer has been identified by applying a tattoo to the inner portion of either ear of the deer that:

(1) is made with commercially available #300 or 5/16 inch tattoo letters and numbers;

(2) is legible, permanent, and green or black; and

(3) bears the same unique identifier printed on the identification tag attached to the deer under Subsection (c).

Deletes existing text prohibiting a person from removing or knowingly permitting 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.

(k) Prohibits a person from knowingly accepting or permitting 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, rather than prohibiting a person from knowingly accepting or permitting 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.

SECTION 2. Repealer: Section 43.351(5) (relating to the definition of "durable identification tag"), Parks and Wildlife Code.

SECTION 3. Makes application of Section 43.3561, Parks and Wildlife Code, as amended by this Act, prospective to January 1, 2020.

SECTION 4. Effective date: September 1, 2019.