

BILL ANALYSIS

Senate Research Center
86R10184 SLB-F

S.B. 810
By: Perry; Flores
Water & Rural Affairs
3/14/2019
As Filed

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 of 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) as a supplemental form of identification in the event that the tag and tattoo fail to identify the animal; and
- this bill will change the "unique identifier" number from four to five alphanumeric characters assigned by TPWD to uniquely identify a breeder deer.

As proposed, 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) Defines "electronic identification device," "identification tag," and "unique identifier."

(b) Creates this subsection from existing text. Requires that, not later than March 31 of the year following the year in which a breeder deer is born, to be identified by:

(1) attaching an identification tag to 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). Deletes existing text requiring that not later than March 31 of the year following the year in which the breeder deer is born, a breeder deer held in a permitted deer breeding facility to be identified by 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 deer was born and unique to that breeder deer. Deletes existing text providing that 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) Requires an identification tag applied under Subsection (b), except for a replacement identification tag described by Subsection (g), to be commercially manufactured, bear on the face the unique identifier for the breeder deer to which it is attached in black text placed by the manufacturer with characters not less than 5/16 inch wide and 1/2 inch tall and spaced not less than 1/16 inch apart, be permanently affixed so as not to be dislodged or removed easily, be made of a material that is not likely to disintegrate or decompose, and have sufficient contrast between the color of the text and the color of the tag to make the text characters clearly visible and authorizes the tag 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 that it maintain the same proportion of height and width.

(e) Authorizes a deer breeder, in addition to the requirements of Subsection (b), to use an electronic identification device to identify a breeder deer. Requires the device 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 tag, if the device is a button type, to be attached to the pinna of either ear. Prohibits the device, if the device is an implant, from being implanted in or in contact with an edible muscle.

(f) Requires TPWD to create and maintain a database containing electronic identification device numbers submitted by deer breeders. Authorizes TPWD to 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 requirement by Subsection (b), provided that the deer breeder entered the electronic identification device number into the database before TPWD attempted to identify the breeder deer. Provides that the presence of an electronic identification device is not a defense to prosecution for a violation of the requirements of this section.

(g) Requires a deer breeder immediately to replace an identification tag that has been dislodged or damaged or that otherwise does not meet the requirements of Subsection (c) with another identification tag that meets the requirements of Subsection (c), except that a deer breeder is authorized to create and attach a replacement identification tag. Requires a replacement identification tag to be clearly visible, have legible writing written with a tag pen manufactured for use with the tag, and meet the requirements of Subsection (c), except for the requirement that the text be placed on the tag by the manufacturer.

(h) Authorizes a deer breeder to remove an identification tag from a breeder deer for liberation purposes only after a transfer permit for the breeder deer has been activated and the deer breeder or deer breeder's agent verified that the breeder deer bears a tattoo meeting the requirements of this section.

(i) Requires the person transporting breeder deer to possess an identification tag that has been removed in accordance with Subsection (h) from each breeder deer being transported that does not bear an identification tag in the vehicle used to transport the breeder deer until the transfer permit has been completed.

(j) Requires a deer breeder to replace the identification tag of a breeder deer for which a transfer permit was activated but not completed before the transfer permit expires or is deactivated with a tag that meets the requirements of this section.

(k) Authorizes a deer breeder to 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.

(l) Creates this subsection from existing text in Subsection (b). 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 the breeder deer has been tagged and tattooed as required by this section, rather than prohibits 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 it from an out-of-state source.

(m) Creates this subsection from existing Subsection (c). 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 tagged and tattooed as required by this section, rather than prohibits a person from knowingly accepting or permitting the acceptance of a 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. Provides that 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. Effective date: September 1, 2019.