

BILL ANALYSIS

Senate Research Center

C.S.S.B. 499
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Agriculture & Rural Affairs
3/22/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Breeder deer are required by law to have unique, identifying numbers for disease-tracking purposes. Current law requires that breeder deer held in a permitted facility must be identified by a durable identification tag, defined as a single tag not easily dislodged or removed and made of a material that is not likely to disintegrate or decompose. The current statute clarifies the term "includes, but is not limited to, newly developed technologies, including radio frequency tags." The statute also stipulates that breeder deer cannot be moved from a permitted facility unless the deer has been permanently tattooed in one ear with the deer's assigned unique identification number.

The statute does not go far enough to clarify that "newly developed technologies" such as radio frequency tags or microchips can be used instead of other prescribed identification requirements. Implantable microchips are an accepted, reliable, and viable veterinarian tool for animal identification. Such technology in breeder deer identification will inflict less trauma and stress on the deer than is imposed through the current requirements of ear-tagging or tattooing. In addition, ear tags can often fall off or be torn off by getting tangled in heavy brush or fences, or be chewed on by other deer, resulting in permanent disfigurement and frequent ear infections. Tattoos can be applied improperly or become unreadable. Tattoos can also be distorted and marked over to cover illegal activity. Human error can result in the use of wrong digits, transposing numbers and other inadvertent mistakes that create serious impediments for accurate identification, herd inventory and tracking—all critical components of mandated disease monitoring.

C.S.S.B. 499 clarifies that radio-frequency tags or implantable microchips are acceptable options for compliance with statutory identification requirements for breeder deer.

C.S.S.B. 499 amends current law relating to the identification of breeder deer by microchips.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 3 (Section 43.357, 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 a breeder deer, not later than March 31 of the year following the year in which a breeder deer is born, to be identified by:

- (1) affixing to the deer an external durable identification tag that is reasonably visible;
- (2) implanting a durable identification tag that is a microchip; or

(3) affixing or implanting, as appropriate, any other Texas Parks and Wildlife Department (TPWD)-approved durable identification tag, 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 TPWD to the breeding facility in which the breeder deer was born and unique to that breeder deer.

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

(c) Redesignates existing Subsection (b) as Subsection (c). Prohibits a person, except as provided by Subsection (e) 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 alphanumeric identifier approved by TPWD, rather than 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) Redesignates existing subsection (c) as Subsection (d). Prohibits a person, except as provided by Subsection (e), 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 alphanumeric identifier approved by TPWD, rather than 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.

(e) Authorizes a deer breeder, instead of using a tattoo to identify a breeder deer under Subsection (c) or (d), to identify a deer by using a TPWD-approved microchip implanted under the deer's skin or other TPWD approved identification device.

SECTION 3. Amends Section 43.357(b), Parks and Wildlife Code, as follows:

(b) Authorizes the Texas Parks and Wildlife Commission (commission) to make regulations governing:

- (1) the possession of breeder deer held under the authority of this subchapter;
- (2) the recapture of lawfully possessed breeder deer that have escaped from the facility of a deer breeder;
- (3) permit applications and fees;
- (4) reporting requirements;
- (5) procedures and requirements for the purchase, transfer, sale, or shipment of breeder deer;
- (6) the endorsement of a deer breeder facility by a certified wildlife biologist;
- (7) the number of breeder deer that a deer breeder is authorized to possess;
- (8) the dates for which a deer breeder permit is valid;

(9) the use of durable identification tags for identifying breeder deer under this section.

SECTION 4. Effective date: September 1, 2011.