

BILL ANALYSIS

Senate Research Center

C.S.S.B. 810
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Water & Rural Affairs
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Committee Report (Substituted)

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.

C.S.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 "button back," "electronic identification device," "identification tag," and "unique identifier."

(b) Creates this subsection from existing text and makes nonsubstantive changes. Requires a breeder deer, not later than March 31 of the year following the year in which the breeder deer is born, to be identified by attaching an identification tag to the pinna of one 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 either or both of the following:

(1) 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 this subsection; or

(2) attaching to the pinna of the opposite ear of the breeder deer in which the identification tag required by this section is attached an electronic identification device button tag that:

(A) is approved by the United States Department of Agriculture (USDA);

(B) has an associated 15-digit animal identification number that begins with 840; and

(C) is permanently affixed so as not to be dislodged or removed easily.

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 be identified by placing on each breeder deer possessed by the deer breeder a single, reasonably visible, durable identification tag.

(c) Prohibits a person from removing an electronic identification device button tag. Requires a replacement electronic identification device button tag, if an electronic identification device button tag is dislodged, damaged, or removed by means other than human agency, to be attached to the same ear to which the original button tag was attached. Requires the 15-digit animal identification number for the replacement button tag to be provided to the Texas Parks and Wildlife Department (TPWD) and entered into the database described by Subsection (g). Deletes existing text relating to an alphanumeric number assigned by TPWD. 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.

(d) Provides that the identification tag applied under Subsection (b), except for a replacement identification tag described by Subsection (i):

(1) is required to:

(A) be commercially manufactured;

(B) bear on the face and on the button back the unique identifier for the breeder deer to which it is attached in black text placed by the manufacturer with the characters on the face not less than 5/16 inch wide and 1/2 inch tall spaced not less than 1/16 inch apart;

(C) be permanently 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.

(e) Authorizes the text of the unique identifier to be larger than the dimensions described by Subsection (d)(1)(B) but requires that it maintain the same proportion of height and width.

(f) Authorizes a deer breeder, provided that an electronic identification device button tag has not been attached to a breeder deer to satisfy the requirements of Subsection (b), to use an electronic identification device implant to identify a breeder deer. Requires the implant to be approved by USDA and have an associated 15-digit animal identification number that begins with 840. Requires the implant to be implanted in the subcutaneous tissue at the base of either ear.

(g) Requires TPWD to create and maintain a database containing electronic identification device numbers entered by deer breeders. Provides that an electronic identification device is valid for purposes of this section only if the number associated with the device has been entered into the TPWD database and corresponds with the unique identifier assigned to the breeder deer to or in which the device is attached or implanted.

(h) Authorizes TPWD, if an electronic identification device button tag has not been attached to a breeder deer to satisfy the requirements of Subsection (b), to consider an electronic identification number for a valid electronic identification device implant as evidence of positive identification for a breeder deer that cannot be identified by either the identification tag or tattoo required by Subsection (b), provided that the deer breeder entered the electronic identification device number into the database at a time when the breeder deer was identified in accordance with this section. Provides that the presence of an electronic identification device is not a defense to prosecution for a violation of the requirements of this section.

(i) Provides that, except as provided by Subsection (k), a person is prohibited from removing an identification tag. 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 tag does not meet the requirements of Subsection (d) with an identification tag that meets the requirements of Subsection (d) or a replacement tag.

(j) 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 (d), except for the requirement that the text be placed on the tag by the manufacturer.

(k) Authorizes a deer breeder, provided that an electronic identification button tag is attached to a breeder deer in accordance with Subsection (b), to remove an identification tag from a breeder deer for liberation purposes only after a transfer permit for the breeder deer has been activated. Requires the person transporting breeder deer to possess an identification tag that has been removed in accordance with this subsection 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.

(l) Requires a 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.

(m) Redesignates existing Subsection (b) as this subsection. 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 identified as required by this section, rather than 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.

(n) Redesignates existing Subsection (c) as this subsection. 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.