

## **BILL ANALYSIS**

Senate Research Center  
87R17500 MP-D

H.B. 3568  
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5/11/2021  
Engrossed

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

#### Statement of Purpose

To reduce burdens on Texas finfish import license holders while still protecting these species of fish as a public resource.

#### Background

Commercially protected finfish statutes and rules were established to regulate commerce of certain gamefish species in Texas. The provisions of these statutes and rules disallow the sale of certain fish but do allow those fish to be sold if they are farm-raised or are lawfully taken wild fish from out of state. Some of the more onerous provisions have hindered and prevented commerce of legally produced product, which has negatively impacted Texas fish farmers, upstream suppliers, downstream purveyors, recreational lake managers, and consumers. H.B. 3568 seeks to address this issue by revising provisions relating to the sale and purchase of certain fish.

#### Key Provisions

- Amends the Parks and Wildlife Code to exempt the following from provisions relating to the sale and purchase of protected fish:
  - the sale by the following of fish raised by being continuously fed a prepared feed:
    - a licensed wholesale fish dealer;
    - a licensed retail fish dealer; or
    - a restaurant; and
  - bass of the genus *Micropterus* and crappie under the following conditions:
    - the fish are reared in private water; and
    - the fish are sold by an aquaculture license holder for the following purposes:
      - stocking water of the state under an applicable permit; or
      - with the required documentation, stocking private water.
- Revises the exemption for the lawful importation of certain fish by a Texas finfish import license holder by doing the following:
  - providing for importation from the exclusive economic zone; and
  - removing the requirement that the fish be dead when transported or sold.

- Removes the exemptions for the following from the prohibition against the sale and purchase of freshwater fish:
  - a fish, other than a bass of the genus *Micropterus*, reared in private water under a fish farmer's license;
  - a fish possessed legally outside Texas and transported into Texas; and
  - bass of the genus *Micropterus* reared in private water under a fish farmer's license and marketed for the purpose of stocking the water of the state.
- Repeals Section 66.111(c), Parks and Wildlife Code, relating to the requirement that certain freshwater fish shipped into Texas for sale or purchase have a bill of lading with the shipment.

H.B. 3568 amends current law relating to the sale and purchase of certain fish.

### **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 Sections 66.020(b) and (c), Parks and Wildlife Code, as follows:

(b) Provides that Section 66.020 (Sale and Purchase of Protected Fish) applies to the possession, transportation, sale, or purchase of any fish described by Subsection (a) (relating to providing that it is unlawful to buy or offer to buy, sell or offer to sell, possess for the purpose of sale, transport or ship for the purpose of sale, barter, or exchange certain fish) without regard to where the fish was taken, caught, or raised, but does not apply to:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) the sale of fish described by Subdivision (2) (relating to providing that Section 66.020 does not apply to fish raised by being continuously fed a prepared feed and sold by a licensed Texas fish farmer if marked and identified) by:

(A) a licensed wholesale fish dealer;

(B) a licensed retail fish dealer; or

(C) a restaurant;

(4) bass of the genus *Micropterus* and crappie if the fish are:

(A) reared in private water; and

(B) sold by the holder of an aquaculture license for the purpose of stocking:

(i) water of the state under a permit required under Section 66.015(b) (relating to prohibiting a person from placing any species of fish, shellfish, or aquatic plant into the public water of the state without a permit); or

(ii) private water with the documentation required under Section 134.018 (License Not Required for Sale of Certain Fish), Agriculture Code; or

(5) the lawful importation by the holder of a Texas finfish import license into Texas from another state or foreign country or the exclusive economic zone of certain fish that have been continuously fed a prepared feed as a primary food source or lawfully taken, caught, or raised certain fish, if the fish are tagged, invoiced, packaged, and labeled, rather than if the fish are transported or sold when not alive, under regulations of the Texas Parks and Wildlife Commission (TPWC) and if the license holder complies with any requirements TPWC may establish by proclamation that the fish enter the stream of commerce for sale in this state in a condition allowing ready identification of the species, including a requirement that the fish come into the state with the head and tail intact and tagged and a requirement that an invoice accompany all imported fish regulated by this section through each sales transaction, including transactions at the place of the final sale to the consumer.

Deletes existing text requiring imported fish to be transported or sold when not alive. Makes nonsubstantive changes.

(c) Makes a conforming change to this subsection.

SECTION 2. Amends Sections 66.111(a) and (b), Parks and Wildlife Code, as follows:

(a) Deletes existing text prohibiting a person from buying or offering to buy, selling or offering to sell, possessing for the purpose of sale, transporting or shipping for the purpose of sale, or bartering or exchanging certain fish or other fish taken from the public fresh water of this state. Makes nonsubstantive changes.

(b) Deletes existing text providing that Subsection (a) of Section 66.111 (Sale and Purchase of Certain Fish) does not apply to a fish, other than a bass of the genus *Micropterus*, reared in private water under a fish farmer's license, a fish possessed legally outside this state and transported into this state, or bass of the genus *Micropterus* reared in private water under a fish farmer's license and marketed for the purpose of stocking the water of this state. Makes nonsubstantive changes.

SECTION 3. Amends Section 66.2012(e), Parks and Wildlife Code, to make a conforming change.

SECTION 4. Repealer: Section 66.111(c) (relating to requiring that the fish shipped into this state have a bill of lading with the shipment stating certain information), Parks and Wildlife Code.

SECTION 5. Effective date: September 1, 2021.