

1-1 By: Perry, et al. S.B. No. 810
1-2 (In the Senate - Filed February 13, 2019; March 1, 2019,
1-3 read first time and referred to Committee on Water & Rural Affairs;
1-4 April 1, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 1, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Perry	X			
1-9 Creighton	X			
1-10 Alvarado	X			
1-11 Johnson	X			
1-12 Kolkhorst			X	
1-13 Rodríguez	X			
1-14 Taylor	X			
1-15				

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 810 By: Perry

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the identification of breeder deer.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 43.3561, Parks and Wildlife Code, is
1-22 amended to read as follows:

1-23 Sec. 43.3561. IDENTIFICATION OF BREEDER DEER. (a) In this
1-24 section:

1-25 (1) "Button back" means the portion of an
1-26 identification tag used to secure the tag to the breeder deer.

1-27 (2) "Electronic identification device" means a button
1-28 tag or implant that uses radio frequency identification technology.

1-29 (3) "Identification tag" means a tag attached to the
1-30 ear of a breeder deer for the purposes of identification that meets
1-31 the requirements of this section.

1-32 (4) "Unique identifier" means five alphanumeric
1-33 characters assigned by the department to uniquely identify a
1-34 breeder deer.

1-35 (b) Not later than March 31 of the year following the year in
1-36 which a [the] breeder deer is born, the [a] breeder deer [held in a
1-37 permitted deer breeding facility] must be identified by attaching
1-38 an [placing on each breeder deer possessed by the deer breeder a
1-39 single, reasonably visible, durable] identification tag to the
1-40 pinna of one ear of the breeder deer in a manner so that the face of
1-41 the tag is clearly visible on the anterior side of the ear, and
1-42 either or both of the following:

1-43 (1) applying a tattoo to the inner portion of either
1-44 ear of the deer that:

1-45 (A) is made with commercially available 5/16
1-46 inch tattoo letters and numbers;

1-47 (B) is legible, permanent, and green; and
1-48 (C) bears the same unique identifier printed on
1-49 the identification tag attached to the deer under this subsection;
1-50 or

1-51 (2) attaching to the pinna of the opposite ear of the
1-52 breeder deer in which the identification tag required by this
1-53 section is attached an electronic identification device button tag
1-54 that:

1-55 (A) is approved by the United States Department
1-56 of Agriculture;

1-57 (B) has an associated 15-digit animal
1-58 identification number that begins with 840; and
1-59 (C) is permanently affixed so as not to be
1-60 dislodged or removed easily.

2-1 (c) No person may remove an electronic identification
2-2 device button tag. If an electronic identification device button
2-3 tag is dislodged, damaged, or removed by means other than human
2-4 agency, a replacement electronic identification device button tag
2-5 must be attached to the same ear to which the original button tag
2-6 was attached. The 15-digit animal identification number for the
2-7 replacement button tag must be provided to the department and
2-8 entered into the database described by Subsection (g) [bearing an
2-9 alphanumeric number of not more than four characters assigned by
2-10 the department to the breeding facility in which the breeder deer
2-11 was born and unique to that breeder deer. A deer breeder is not
2-12 required to remove the tag for any purpose but may remove the tag
2-13 and replace the tag immediately to meet the requirements of this
2-14 section].

2-15 (d) Except for a replacement identification tag described
2-16 by Subsection (i), an identification tag applied under Subsection
2-17 (b):

2-18 (1) must:

2-19 (A) be commercially manufactured;

2-20 (B) bear on the face and on the button back the
2-21 unique identifier for the breeder deer to which it is attached in
2-22 black text placed by the manufacturer with the characters on the
2-23 face not less than 5/16 inch wide and 1/2 inch tall and spaced not
2-24 less than 1/16 inch apart;

2-25 (C) be permanently affixed so as not to be
2-26 dislodged or removed easily;

2-27 (D) be made of a material that is not likely to
2-28 disintegrate or decompose; and

2-29 (E) have sufficient contrast between the color of
2-30 the text and the color of the tag to make the text characters
2-31 clearly visible; and

2-32 (2) may bear additional information, provided that a
2-33 dividing line placed by the manufacturer below the unique
2-34 identifier separates the unique identifier from the additional
2-35 information.

2-36 (e) The text of the unique identifier may be larger than the
2-37 dimensions described by Subsection (d)(1)(B) but must maintain the
2-38 same proportion of height and width.

2-39 (f) Provided that an electronic identification device
2-40 button tag has not been attached to a breeder deer to satisfy the
2-41 requirements of Subsection (b), a deer breeder may use an
2-42 electronic identification device implant to identify a breeder
2-43 deer. The implant must be approved by the United States Department
2-44 of Agriculture and have an associated 15-digit animal
2-45 identification number that begins with 840. The implant must be
2-46 implanted in the subcutaneous tissue at the base of either ear.

2-47 (g) The department shall create and maintain a database
2-48 containing electronic identification device numbers entered by
2-49 deer breeders. An electronic identification device is valid for
2-50 purposes of this section only if the number associated with the
2-51 device has been entered into the department database and
2-52 corresponds with the unique identifier assigned to the breeder deer
2-53 to or in which the device is attached or implanted.

2-54 (h) If an electronic identification device button tag has
2-55 not been attached to a breeder deer to satisfy the requirements of
2-56 Subsection (b), the department may consider an electronic
2-57 identification number for a valid electronic identification device
2-58 implant as evidence of positive identification for a breeder deer
2-59 that cannot be identified by the identification tag or tattoo
2-60 required by Subsection (b), provided that the deer breeder entered
2-61 the electronic identification device number into the database at a
2-62 time when the breeder deer was identified in accordance with this
2-63 section. The presence of an electronic identification device
2-64 implant is not a defense to prosecution for a violation of the
2-65 requirements of this section.

2-66 (i) Except as provided by Subsection (k), no person may
2-67 remove an identification tag. A deer breeder immediately shall
2-68 replace an identification tag that has been dislodged, damaged, or
2-69 removed by means other than human agency to the extent that the tag

3-1 does not meet the requirements of Subsection (d) with an
3-2 identification tag that meets the requirements of Subsection (d) or
3-3 a replacement identification tag.

3-4 (j) A replacement identification tag must:

3-5 (1) be clearly visible;
3-6 (2) have legible text written with a tag pen
3-7 manufactured for use with the tag; and
3-8 (3) meet the requirements of Subsection (d), except
3-9 for the requirement that the text be placed on the tag by the
3-10 manufacturer.

3-11 (k) Provided that an electronic identification device
3-12 button tag is attached to a breeder deer in accordance with
3-13 Subsection (b), a deer breeder may remove an identification tag
3-14 from a breeder deer for liberation purposes only after a transfer
3-15 permit for the breeder deer has been activated. The person
3-16 transporting breeder deer must possess an identification tag that
3-17 has been removed in accordance with this subsection from each
3-18 breeder deer being transported that does not bear an identification
3-19 tag in the vehicle used to transport the breeder deer until the
3-20 transfer permit has been completed.

3-21 (l) A deer breeder shall replace the identification tag of a
3-22 breeder deer for which a transfer permit was activated but not
3-23 completed before the transfer permit expires or is deactivated with
3-24 a tag that meets the requirements of this section.

3-25 (m) [b] A person may not remove or knowingly permit the
3-26 removal of a breeder deer held in a facility by a permittee under
3-27 this subchapter unless the breeder deer has been identified as
3-28 required by this section [permanently and legibly tattooed in one
3-29 ear with the unique identification number assigned to the breeder
3-30 in lawful possession of the breeder deer and specific to the
3-31 breeding facility in which the breeder deer was born or initially
3-32 introduced if from an out-of-state source].

3-33 (n) [e] A person may not knowingly accept or permit the
3-34 acceptance of a breeder deer into a facility regulated under this
3-35 subchapter unless the breeder deer has been identified as required
3-36 by this section [permanently and legibly tattooed in one ear with
3-37 the unique identification number assigned to the breeder in lawful
3-38 possession of the breeder deer and specific to the facility in which
3-39 the breeder deer was born or initially introduced if from an
3-40 out-of-state source].

3-41 SECTION 2. Section 43.351(5), Parks and Wildlife Code, is
3-42 repealed.

3-43 SECTION 3. The changes in law made by this Act to Section
3-44 43.3561, Parks and Wildlife Code, apply only to a breeder deer born
3-45 on or after January 1, 2020. A breeder deer born before January 1,
3-46 2020, is governed by the law in effect at the time the breeder deer
3-47 was born, and the former law is continued in effect for that
3-48 purpose.

3-49 SECTION 4. This Act takes effect September 1, 2019.

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