

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

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.

(c) No person may remove an electronic identification device button tag. If an electronic identification device button tag is dislodged, damaged, or removed by means other than human agency, a replacement electronic identification device button tag must be attached to the same ear to which the original button tag was attached. The 15-digit animal identification number for the replacement button tag must be provided to the department and entered into the database described by Subsection (g) ~~[bearing an alphanumeric number of not more than four characters assigned by the department to the breeding facility in which the breeder deer was born and unique to that breeder deer. 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) Except for a replacement identification tag described by Subsection (i), an identification tag applied under Subsection (b):

(1) must:

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

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

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

(h) If an electronic identification device button tag has not been attached to a breeder deer to satisfy the requirements of Subsection (b), the department may 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 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. The presence of an electronic identification device implant is not a defense to prosecution for a violation of the requirements of this section.

(i) Except as provided by Subsection (k), no person may remove an identification tag. A deer breeder immediately shall 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 identification tag.

(j) A replacement identification tag must:

(1) be clearly visible;  
(2) have legible text written with a tag pen manufactured for use with the tag; and

(3) meet the requirements of Subsection (d), except for the requirement that the text be placed on the tag by the manufacturer.

(k) Provided that an electronic identification device button tag is attached to a breeder deer in accordance with Subsection (b), a deer breeder may remove an identification tag from a breeder deer for liberation purposes only after a transfer permit for the breeder deer has been activated. The person transporting breeder deer must 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) A deer breeder shall 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) ~~[(b)]~~ A person may not remove or knowingly permit the removal of a breeder deer held in a facility by a permittee under this subchapter unless the breeder deer has been identified as required by this section ~~[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) ~~[(c)]~~ A person may not knowingly accept or permit 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 ~~[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. Section 43.351(5), Parks and Wildlife Code, is repealed.

SECTION 3. The changes in law made by this Act to Section 43.3561, Parks and Wildlife Code, apply only to a breeder deer born on or after January 1, 2020. 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. This Act takes effect September 1, 2019.

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