

1-1 By: Kacal (Senate Sponsor - Kolthorst) H.B. No. 3568  
 1-2 (In the Senate - Received from the House April 26, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on Water,  
 1-4 Agriculture & Rural Affairs; May 21, 2021, reported favorably by  
 1-5 the following vote: Yeas 8, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

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

1-19 relating to the sale and purchase of certain fish.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Sections 66.020(b) and (c), Parks and Wildlife  
 1-22 Code, are amended to read as follows:  
 1-23 (b) This section applies to the possession, transportation,  
 1-24 sale, or purchase of any fish described by Subsection (a) [~~of this~~  
 1-25 ~~section~~] without regard to where the fish was taken, caught, or  
 1-26 raised, but does not apply to:  
 1-27 (1) the transportation or possession of fish taken,  
 1-28 caught, or raised outside this state and transported by common  
 1-29 carrier without being unloaded from outside this state to a point of  
 1-30 delivery outside this state;  
 1-31 (2) fish raised by being continuously fed a prepared  
 1-32 feed and sold by a licensed Texas fish farmer if marked and  
 1-33 identified as required under Chapter 134, Agriculture Code; [~~or~~]  
 1-34 (3) the sale of fish described by Subdivision (2) by:  
 1-35 (A) a licensed wholesale fish dealer;  
 1-36 (B) a licensed retail fish dealer; or  
 1-37 (C) a restaurant;  
 1-38 (4) bass of the genus Micropterus and crappie if the  
 1-39 fish are:  
 1-40 (A) reared in private water; and  
 1-41 (B) sold by the holder of an aquaculture license  
 1-42 for the purpose of stocking:  
 1-43 (i) water of the state under a permit  
 1-44 required under Section 66.015(b); or  
 1-45 (ii) private water with the documentation  
 1-46 required under Section 134.018, Agriculture Code; or  
 1-47 (5) the lawful importation by the holder of a Texas  
 1-48 finfish import license into this state from another state or  
 1-49 foreign country or the exclusive economic zone of farm-raised red  
 1-50 drum, bass of the genus Micropterus, crappie, flathead catfish,  
 1-51 striped bass, white bass, or a hybrid of any of those fish that have  
 1-52 been continuously fed a prepared feed as a primary food source or  
 1-53 lawfully taken, caught, or raised blue marlin, jewfish, longbill  
 1-54 spearfish, muskellunge, northern pike, sailfish, sauger, snook,  
 1-55 spotted sea trout, tarpon, walleye, white marlin, yellow bass, or a  
 1-56 hybrid of any of those fish, if the fish are [~~transported or sold~~  
 1-57 when not alive and are] tagged, invoiced, packaged, and labeled  
 1-58 under regulations of the commission and if the license holder  
 1-59 complies with any requirements the commission may establish by  
 1-60 proclamation that the fish enter the stream of commerce for sale in  
 1-61 this state in a condition allowing ready identification of the

2-1 species, including a requirement that the fish come into the state  
2-2 with the head and tail intact and tagged and a requirement that an  
2-3 invoice accompany all imported fish regulated by this section  
2-4 through each sales transaction, including transactions at the place  
2-5 of the final sale to the consumer.

2-6 (c) Notwithstanding Subsection (b)(5) [~~(b)(3) of this~~  
2-7 ~~section~~], the commission may allow subsequent sale of lawfully  
2-8 imported fish without the head and tail intact and without a tag if  
2-9 the fish are labeled in a manner prescribed by the commission and  
2-10 the tag when removed is destroyed. A tag, if required, must be of a  
2-11 type prescribed by the commission and shall be sold to an applicant  
2-12 at a cost as determined by the commission that is reasonable to  
2-13 defray the administrative costs incurred in connection with the tag  
2-14 requirement.

2-15 SECTION 2. Sections 66.111(a) and (b), Parks and Wildlife  
2-16 Code, are amended to read as follows:

2-17 (a) Except as provided by Subsection (b) no person may buy  
2-18 or offer to buy, sell or offer to sell, possess for the purpose of  
2-19 sale, transport or ship for the purpose of sale, or barter or  
2-20 exchange[+]

2-21 [~~(1) freshwater crappie, bass of the genus Micropterus,~~  
2-22 ~~striped bass and hybrids of striped bass, white bass, walleye,~~  
2-23 ~~sauger, northern pike, muskellunge, trout of the family Salmonidae,~~  
2-24 ~~flathead catfish, or~~

2-25 [~~(2)~~] any [~~other~~] fish taken from the public fresh water  
2-26 of this state.

2-27 (b) Subsection (a) [~~of this section~~] does not apply to:

2-28 (1) [~~a fish, other than a bass of the genus~~  
2-29 ~~Micropterus, reared in private water under a fish farmer's license,~~

2-30 [~~(2) a fish possessed legally outside this state and~~  
2-31 ~~transported into this state,~~

2-32 [~~(3) bass of the genus Micropterus reared in private~~  
2-33 ~~water under a fish farmer's license and marketed for the purpose of~~  
2-34 ~~stocking the water of this state,~~

2-35 [~~(4)~~] nongame fish regulated under Chapter 67 [~~of this~~  
2-36 ~~code~~]; or

2-37 (2) [~~(5)~~] channel catfish of more than 14 inches in  
2-38 length or blue catfish of more than 14 inches in length taken from  
2-39 the public fresh water of Angelina, Bowie, Camp, Cass, Chambers,  
2-40 Franklin, Freestone, Gregg, Hardin, Harris, Harrison, Jasper,  
2-41 Jefferson, Lamar, Leon, Liberty, Madison, Marion, Montgomery,  
2-42 Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Red  
2-43 River, Sabine, San Augustine, San Jacinto, Shelby, Titus, Trinity,  
2-44 Tyler, Upshur, or Walker County, the public fresh water of the  
2-45 Neches or Trinity River in Houston County, the public fresh water of  
2-46 the Colorado River in Bastrop, Colorado, Fayette, Matagorda, or  
2-47 Wharton County, or the public fresh water of Falcon Lake in Starr or  
2-48 Zapata County.

2-49 SECTION 3. Section 66.2012(e), Parks and Wildlife Code, is  
2-50 amended to read as follows:

2-51 (e) This section does not apply to activities that are  
2-52 regulated under the exceptions provided by Subdivisions (1), (2),  
2-53 and (5) [~~(3)~~] of Section 66.020(b) or under Subsections (f) and (g)  
2-54 of that section.

2-55 SECTION 4. Section 66.111(c), Parks and Wildlife Code, is  
2-56 repealed.

2-57 SECTION 5. This Act takes effect September 1, 2021.

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