



THE TAKING, POSSESSING, MOUNTING AND SALE OF WILDLIFE
BY
TAXIDERMISTS

1. **GENERAL:**

Although taxidermists in this state are not required to obtain a state license or permit to possess and mount wildlife species that were legally taken or possessed, they are required to maintain certain records and are restricted in the possession or sale of certain species of wildlife resources as provided by the Texas Parks and Wildlife Code and federal and state regulations. A permit from the United States Fish and Wildlife Service is required for possession of migratory birds.

The statutes and regulations contained in this handout apply to all species indigenous to this state, regardless of whether taken in this or another state. You may note that some sections allow the taking, possession, and sale of certain species or parts of certain species by anyone, including taxidermists. Other sections prohibit anyone, including taxidermists, from personally taking certain species from the wild for the purpose of sale, but allows for the possession and mounting for customers only. The following state statutes and Departmental rules designate which species may be taken, possessed, mounted, or sold by whom, and under what conditions.

"Wild" when used in this handout means a species, including each individual of a species, which normally lives in a state of nature and is not ordinarily domesticated.

2. **GAME ANIMALS DEFINED:**

Texas Parks & Wildlife Code, §63.001. Definitions.

The following animals are game animals:

- | | |
|------------------------------|--------------------------------|
| mule deer | white-tailed deer |
| pronghorn antelope | desert bighorn sheep |
| gray or cat squirrels | fox squirrels or red squirrels |
| collared peccary or javelina | |

3. **GAME BIRDS DEFINED:**

Texas Parks & Wildlife Code, §64.001. Definitions.

The following wild birds are game birds:

- | | | |
|--------------------|---------------------|----------------|
| turkey | brant | grouse |
| prairie chickens | partridge | bobwhite quail |
| scaled quail | Mearn's quail | Gambel's quail |
| red-billed pigeons | band-tailed pigeons | mourning dove |
| white-winged dove | white-fronted dove | chachalacas |
| sandhill cranes | | |

All varieties of the following wild birds are game birds:

ducks
snipe

geese
plover

pheasant
shore birds

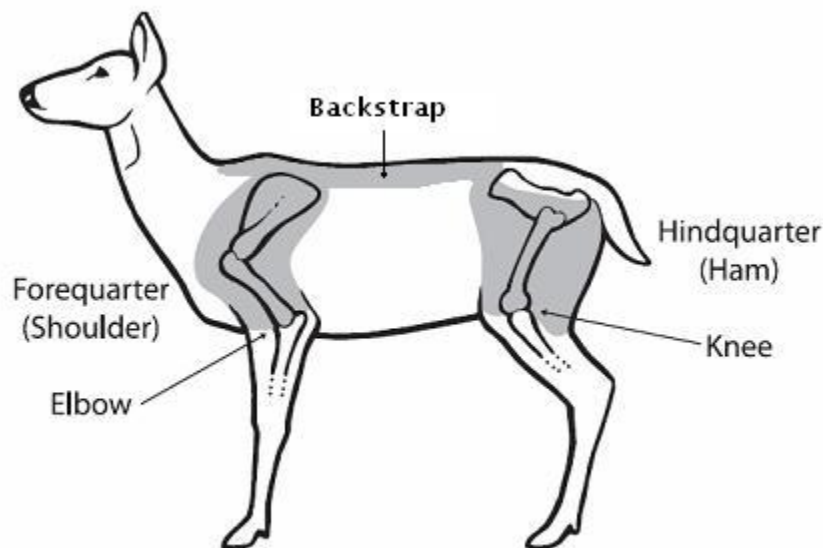
4. POSSESSION:

Texas Parks & Wildlife Code, §42.001. Definitions.

- (1) "Resident" means:
 - (A) an individual who has resided continuously in this state for more than six months immediately before applying for a hunting or fishing license;
 - (B) a member of the United States armed forces on active duty;
 - (C) a dependent of a member of the United States armed forces on active duty; or
 - (D) a member of any other category of individuals that the commission by regulation designates as residents.
- (2) "Nonresident" means an individual who is not a resident.
- (3) "Carcass" means the body of a dead deer or antelope, as listed in Section 63.001(a), that has not been processed more than by quartering.
- (4) "Final destination," for a carcass or wild turkey or any part of a carcass or wild turkey means:
 - (A) the permanent residence of the hunter;
 - (B) the permanent residence of any other person receiving the carcass or wild turkey or the part of a carcass or wild turkey; or
 - (C) a cold storage or processing facility.
- (5) "Final Processing," for a carcass or wild turkey, means the cleaning of the dead animal for cooking or storage purposes. For a carcass, the term also includes the processing of the animal more than by quartering.
- (6) "Cold storage or processing facility" means a stationary facility designed and constructed to store or process game animals and game birds.
- (7) "Wildlife resource document" means a document prescribed by the department, other than a tag or permit, that allows a person to give, leave, receive, or possess any species of legally taken game bird or game animal, or part of a legally taken game bird or game animal, if the game bird or game animal is otherwise required to have a tag or permit attached or is protected by a bag or possession limit.
- (8) "Quartering" means the processing of any animal into not more than two hindquarters each having the leg bone (femur) attached down to the knee and two front shoulders each having the leg bones (scapula and humerus) attached down to the elbow. The term also includes removal of two back straps. (See illustration on Page 3.)

Texas Parks & Wildlife Code, §42.018. Tag to be Attached to Deer.

- (a) Except as provided by Subsection (d) or commission rule, no person may possess the carcass of a deer before the carcass has been finally processed at a final destination unless there is attached to the carcass a properly executed deer tag from a hunting license provided by the department and issued to the person who killed the deer.
- (b) A tag is properly executed only when the month and the date of the kill are cut out and the tag is filled out to show the place the deer to which the tag is attached was killed and to show other information required on the tag by the commission.
- (c) If the deer's head is severed from the carcass, the properly executed tag must remain with the carcass.
- (d) A wildlife resource document completed by the person who killed the deer must accompany the head or other part of the deer not accompanied by a tag if at any time before the carcass is finally processed the head or other part of the deer no longer accompanies the carcass. If a portion of the carcass is divided among persons and separated and the person who killed the deer retains a portion of the carcass, that person shall retain the tag with the portion of the carcass retained by that person. A wildlife resource document shall be retained with the head of a deer that is not kept with the carcass until the head is delivered to the owner after taxidermy or, if not treated by a taxidermist, until delivered to a final destination.
- (e) Final processing for a deer carcass may occur only at a final destination.
- (f) This section does not prohibit a person before delivering a deer carcass to a final destination from removing and preparing a part of the deer if the removal and preparation occur immediately before the part is cooked or consumed.
- (g) A landowner or the landowner's agent operating under a wildlife management plan approved by the department is, if authorized by the commission, exempt from the tag requirements of this section.



Texas Parks & Wildlife Code, §42.0185. Tag to be Attached to Turkey.

- (a) Except as provided by commission rule, no person may possess a wild turkey at any time after the turkey is killed and before it has been finally processed at a final destination unless there is attached to the turkey a properly executed turkey tag from a hunting license provided by the department and issued to the person who killed the turkey.
- (b) A turkey tag is properly executed only when the month and the date of the kill are cut out and the tag is filled out to show the place the turkey to which the tag is attached was killed and to show other information required on the tag.
- (c) A wildlife resource document completed by the person who killed the turkey must accompany a part of the turkey if at any time before the turkey reaches a final destination the part of the turkey no longer accompanies the tagged turkey and is possessed by the person who killed the turkey or is given to, left with, or possessed by another person, including a taxidermist.
- (d) The section does not prohibit a person before delivering a wild turkey to a final destination from preparing part of the turkey immediately before cooking and consuming the part.

Texas Parks & Wildlife Code, §42.019. Possession of Certain Parts of Antelope.

- (a) Except as provided by Subsection (c), no person may possess the carcass of an antelope before it has been finally processed at a final destination unless there is attached to the carcass an antelope permit provided by the department that is executed legibly, accurately, and completely by the person who killed the antelope.
- (b) If the antelope's head is severed from the carcass, the properly executed permit must remain with the carcass.
- (c) A wildlife resource document completed by the person who killed the antelope must accompany the head or other part of the antelope not accompanied by a permit if at any time before the carcass is finally processed the head or other part of the antelope no longer accompanies the carcass. If a portion of the carcass is divided among persons and separated and the person who killed the antelope retains a portion of the carcass, that person shall retain the permit with the portion of the carcass retained by that person. A wildlife resource document shall be retained with the head of an antelope that is not kept with the carcass until the head is delivered to the owner after taxidermy or, if not treated by a taxidermist, until delivered to a final destination.
- (d) Final processing for an antelope carcass may occur only at a final destination.
- (e) This section does not prohibit a person before delivering an antelope carcass to a final destination from removing and preparing a part of the antelope if the removal and preparation occur immediately before the part is cooked and consumed.

Texas Parks & Wildlife Code, §62.029. Records of game in cold storage or processing facility.

(NOTE: §62.029(b) applies to a taxidermist that places game animals or game birds in cold storage.)

(a) In this section:

- (1) "Carcass" has the meaning assigned by Section 42.001.
- (2) "Cold storage or processing facility" has the meaning assigned by Section 42.001.
- (3) "Hunting lease" has the meaning assigned by Section 43.041.
- (4) "Private cold storage or processing facility" means a cold storage or processing facility that is not available for use by the public.
- (5) "Quartering" has the meaning assigned by Section 42.001.

(b) The owner, operator, lessee of a cold storage or processing facility shall maintain a book containing a record of:

- (1) the name, address, and hunting license number of each person who killed a game bird or game animal that is placed in the facility;
- (2) the name and address of each person who places a game bird or game animal in the facility, if different from the person who killed the bird or animal;
- (3) the number and kind of game birds or game animals placed in the facility; and
- (4) the date on which each game bird or game animal is placed in the facility.

(c) The owner, operator, or lessee shall enter all information into the book as required by this section before placing in storage or processing any game animal or game bird.

(d) The cold storage or processing facility record book shall be kept at the facility and may be inspected by an authorized employee of the department during business hours or at any other reasonable time.

(e) Each cold storage or processing facility record book shall be kept at the facility until the first anniversary of the date of the last entry in the book.

(f) This section does not apply to a private, noncommercial, family owned cold storage or processing facility unless the facility is located on a hunting lease and is made available to individuals other than the landowner, the landowner's nonpaying family members, or the landowner's nonpaying guests.

(g) This section does not require the entry or maintenance of a record for the carcass of a deer or antelope that is properly tagged and is placed in a private cold storage or processing facility.

Texas Parks & Wildlife Code, §62.030. Possession of Game in Cold Storage or Processing Facility.

A person may place and maintain, or possess, in a cold storage or processing facility lawfully killed game birds and game animals not in excess of the number permitted to be possessed by law.

Texas Parks & Wildlife Code, §62.031. Inspections of Facilities.

(a) Authorized employees of the department may enter and inspect a cold storage or processing facility or other place, including taxidermist shops and tanneries, where protected wildlife are stored.

(b) In this section “protected wildlife” means game animals, game birds, non-game animals, and non-game birds that are the subject of any protective law or regulation of this state or the United States.

(c) Inspections under this section may be made during normal business hours or at any other reasonable time.

5. SALE:

Texas Parks & Wildlife Code, §62.021. Sale or Purchase of Certain Game.

(a) Except as provided by Subsection (c), no person may sell, offer for sale, purchase, offer to purchase, or possess after purchase a wild bird, game bird, or game animal, dead or alive, or part of the bird or animal.

(b) This section applies only to a bird or animal protected by this code without regard to whether the bird or animal is taken or killed in this state.

(c) This section does not prohibit the sale of:

(1) a live game animal, a dead or live game bird, or the feathers of a game bird if the sale is conducted under authority of a license or permit issued under this code; or

(2) the following inedible parts:

(A) an inedible part, including the feathers, bones, or feet, of a game bird other than a migratory game bird that was lawfully taken or is lawfully possessed;

(B) the hair, hide, antlers, bones, horns, skull, hooves, or sinew, as applicable, of a deer, pronghorn antelope, desert bighorn sheep, collared peccary or javelina, red squirrel, or gray squirrel; or

(C) the feathers of a migratory game bird in accordance with federal law.

Sale of Birds:

Game Birds: See §62.021(c)(2) above. Additionally, lawfully taken game birds and game birds raised in captivity under the provisions of a Commercial Game Bird Breeder License may be mounted for the purpose of sale. Federal law prohibits the sale of mounted migratory birds, except pen-raised migratory birds.

Texas Parks & Wildlife Code, §64.002. Protection of Nongame Birds.

(a) Except as provided by this code, no person may:

(1) catch, kill, injure, pursue, or possess, dead or alive, or purchase, sell, expose for sale, transport, ship, or receive or deliver for transportation, a bird that is not a game bird.

(2) possess any part of the plumage, skin, or body of a bird that is not a game bird; or

(3) disturb or destroy the eggs, nest, or young of a bird that is not a game bird.

(b) European starlings, English sparrows, and feral rock doves (*Columba livia*) may be killed at

any time in any manner and their nests or eggs may be destroyed, and such conduct does not constitute an offense under Chapter 42, Penal Code.

(c) A permit is not required to control yellow-headed, red-winged, rusty, or Brewer's blackbirds or all grackles, cowbirds, crows, or magpies when found committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in numbers and in a manner that constitutes a health hazard or other nuisance.

(d) Canaries, parrots, and other exotic non-game birds may be sold, purchased, and kept as domestic pets.

Miscellaneous Nongame Bird Information:

Nongame Birds: All other birds including songbirds, hawks, owls, eagles, etc., or any part of the plumage, skin, or body of such birds, are prohibited from sale or possession, except that feral pigeons, English sparrows, European starlings, and exotic non-game birds may be taken, possessed or sold by anyone.

Cowbirds, crows, grackles, ravens and Red-winged blackbirds legally taken while depredating on crops, ornamental trees, livestock or domestic animals may be mounted and possessed, but may not be sold.

Sale of Mammals:

Texas Parks & Wildlife Code, §62.023. Sale by Taxidermist.

(a) If the owner of a lawfully taken game animal or game bird, including the head or hide of a lawfully taken game animal or game bird that has been mounted or tanned, has not claimed the mounted game animal, game bird, or head or the tanned hide within 90 days after notification by a taxidermist or tanner, the taxidermist or tanner may sell the mounted game animal, game bird other than a migratory game bird, or head or tanned hide for the amount due for labor performed.

(b) Repealed.

(c) A taxidermist or tanner selling a mounted game animal, game bird, or head or tanned hide under this section shall maintain, until the second anniversary of the completion of the taxidermy or tanning, documentation of the identity of the person who left the game animal, game bird, head, or hide for taxidermy or tanning. Documentation under this section may include a hunting tag, wildlife resource document, or cold storage record.

Fur-bearing Animals: Pelts legally taken or possessed, once they have been tanned, are not regulated by law and may be sold by any person at any time. This includes pelts used in the mounting of fur-bearing animals. Also a fur-bearing animal or its untanned pelt, lawfully taken, may be possessed by taxidermists at any time for taxidermy purposes, provided the animal or pelt is labeled with a wildlife resource document from the owner and the date the animal was placed in storage. Fur-bearing animals taken outside of Texas must be accompanied by evidence of legal take, purchase, or possession from the state or country where the fur-bearing animal was taken.

Nongame Animals: Armadillos, chipmunks, coyotes, mountain lions, prairie dogs, ground or rock squirrels, and rabbits may be mounted and sold by anyone at anytime, including such animals taken from the wild by taxidermists. However, the sale of nongame species is

regulated and a Nongame Dealer's Permit may be required.

Bobcat: May be mounted for customer for a fee. Sale of bobcat pelts is restricted. Current bobcat regulations prohibit the sale or purchase or the transporting of pelts outside the boundaries of the state for any purpose, including tanning, unless they have been tagged by a Registered Bobcat Pelt Dealer.

Taxidermists may register with the Department as Bobcat Pelt Dealers. However, registered dealers are prohibited from possessing an untagged bobcat pelt for any purpose. The current Tagging season is September 1- August 31.

Taxidermists not registered as dealers may receive and possess untagged bobcat pelts from individuals for taxidermy purposes. These pelts are required to be labeled with the name and address of the owner and the date the animal was placed in storage. Such untagged pelts may not be sold, purchased, transported, or shipped outside the boundaries of the state for tanning or any other purposes.

(These regulations governing the bobcat pelt are promulgated under the federal guidelines of the Endangered Species Scientific Authority (E.S.S.A.) and are subject to change periodically.)

Sale of Certain Dangerous Wild Animals Prohibited

Texas Parks & Wildlife Code, §62.101. Definitions

(2) "Dangerous wild animal" means a lion (African or Asiatic), tiger, leopard, cheetah, hyena, bear, elephant, wolf, or rhinoceros and includes any species, subspecies, or hybrid, of any of those animals.

Texas Parks & Wildlife Code, §62.103. Unlawful Controlled Killing; Certain Commercial Activity Prohibited

No person may:

- (1) sell or offer for sale, or transport or consign for transportation in this state, including interstate commerce in this state, a dangerous wild animal that is to be used for a controlled killing (canned hunt); or
- (2) sell or offer for sale a part of or a product made from a dangerous wild animal that is used in a controlled kill (canned hunt).

Sale of Fish, Reptiles, and Amphibians:

Fish: Any species of fish, if legally taken or possessed, may be mounted by taxidermists for individuals for a fee and may be sold by a taxidermist if the mounted specimen is abandoned by the owner. (See: §62.023. *Sale by Taxidermist*)

Reptiles: Except for alligators and those species listed in the ENDANGERED SPECIES ACT and the PROTECTED NONGAME SPECIES ACT, reptiles may be taken, mounted, and sold by taxidermists, provided the taxidermist has a Nongame Dealer's Permit. Alligators that have been legally taken or purchased under the authority of required licenses may be mounted and sold as a finished product by a taxidermist.

Amphibians: Except for those species listed in the ENDANGERED SPECIES ACT and the PROTECTED NONGAME SPECIES ACT, amphibians may be taken, mounted and sold by taxidermists, provided the taxidermist has a Nongame Dealer's Permit.

6. PENALTIES AND MISCELLANEOUS INFORMATION:

The general penalty for a violation of state statute or regulations contained in this brochure is not less than \$25 nor more than \$500. Each bird, animal, fish, reptile, or amphibian taken, possessed, or sold in violation shall constitute a separate offense and a person may be charged recovery costs of illegally possessed fish and wildlife.

Federal Regulations:

Call (505) 248-7882 or write:

U. S. Fish and Wildlife Service

Migratory Bird Permits Office

P.O. Box 709

Albuquerque, New Mexico 87103

State Regulations:

Call (512) 389-4381 or write:

Texas Parks and Wildlife Department

Law Enforcement Division

4200 Smith School Road

Austin, Texas 78744

Information provided in this handout may change due to state or federal legislation, or Texas Parks and Wildlife Commission action.

Issued in Austin, Texas on October 12, 2009.