

## BILL ANALYSIS

Senate Research Center  
81R1741 BEF-D

H.B. 1530  
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Agriculture & Rural Affairs  
4/30/2009  
Engrossed

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

Currently, the Department of State Health Services (DSHS) certifies pesticide applicators for health-related mosquito pest control. However, DSHS licensing fees are cost-prohibitive, especially for small political subdivisions that may not have adequate budgets. Many health-related pest control professionals have subsequently dropped licensure or were forced to license in the pest control category of the Occupations Code, which does not adequately address issues involved in mosquito control.

This bill addresses the significant public health threats that mosquitoes pose, including concerns over the West Nile Virus. By amending pesticide law, this bill allows the Texas Department of Agriculture (TDA) to license health-related pesticide applicators for free or for a minimal fee. This will ensure that public health professionals retain the training and licensure important in managing insecticides while keeping Texas residents safe from potentially harmful mosquito populations.

H.B. 1530 relates to the licensing and regulation of health-related pest control by TDA.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Health and Human Services Commission is transferred to the Texas Department of Agriculture or the commissioner of agriculture in SECTION 3 of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 76.102, Agriculture Code, as follows:

Sec. 76.102. AGENCIES RESPONSIBLE FOR LICENSING PESTICIDE APPLICATORS. Requires the Texas Department of Agriculture (TDA) to license pesticide applicators involved in certain license use categories, including health-related pest control. Deletes existing Subsection (b) requiring the Texas Department of Health to license pesticide applicators involved in the license use category of health-related pest control. Makes nonsubstantive changes.

SECTION 2. (a) Provides that a health-related pest control license issued by the Department of State Health Services (DSHS) that is in effect on the effective date of this Act remains valid for the period for which it was issued unless suspended or revoked by TDA or the commissioner of agriculture (commissioner), as applicable. Provides that when the license expires, it is subject to renewal under Subchapter E (Use and Application), Chapter 76 (Pesticide and Herbicide Regulation), Agriculture Code, as amended by this Act.

(b) Requires TDA to continue a complaint, investigation, contested case, or other proceeding involving health-related pest control that was brought before the effective date of this Act in accordance with the law in effect on the date the proceeding was brought, and provides that the former law is continued in effect for that purpose.

SECTION 3. (a) Provides that all powers, duties, obligations, and rights of action of DSHS related to health-related pest control are transferred to TDA on the effective date of this Act.

(b) Provides that a rule adopted by the Health and Human Services Commission in connection with or relating to health-related pest control continues in effect until it is amended or repealed by the commissioner or TDA, as applicable.

SECTION 4. Effective date: September 1, 2009.