

By: Button, Driver, Hardcastle,
Gonzalez Toureilles, Rios Ybarra, et al.

H.B. No. 1530

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of health-related pest control by the Department of Agriculture.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 76.102, Agriculture Code, is amended to read as follows:

Sec. 76.102. AGENCIES RESPONSIBLE FOR LICENSING PESTICIDE APPLICATORS. ~~[(a)]~~ The department shall license pesticide applicators involved in the following license use categories:

(1) agricultural pest control, including animal pest control;

(2) forest pest control;

(3) ornamental and turf pest control, except as provided by Chapter 1951, Occupations Code;

(4) seed treatments;

(5) right-of-way pest control;

(6) regulatory pest control;

(7) aquatic pest control;

(8) demonstration pest control; ~~and~~

(9) health-related pest control; and

(10) other license use categories as necessary to comply with federal requirements. The department may not adopt license use categories that are designated by statute for regulation by another agency.

1 ~~[(b) The Texas Department of Health shall license pesticide~~
2 ~~applicators involved in the license use category of health-related~~
3 ~~pest control.]~~

4 SECTION 2. (a) A health-related pest control license issued
5 by the Department of State Health Services that is in effect on the
6 effective date of this Act remains valid for the period for which it
7 was issued unless suspended or revoked by the Department of
8 Agriculture or the commissioner of agriculture, as applicable. When
9 the license expires, it is subject to renewal under Subchapter E,
10 Chapter 76, Agriculture Code, as amended by this Act.

11 (b) The Department of Agriculture shall continue a
12 complaint, investigation, contested case, or other proceeding
13 involving health-related pest control that was brought before the
14 effective date of this Act in accordance with the law in effect on
15 the date the proceeding was brought, and the former law is continued
16 in effect for that purpose.

17 SECTION 3. (a) All powers, duties, obligations, and rights
18 of action of the Department of State Health Services related to
19 health-related pest control are transferred to the Department of
20 Agriculture on the effective date of this Act.

21 (b) A rule adopted by the Health and Human Services
22 Commission in connection with or relating to health-related pest
23 control continues in effect until it is amended or repealed by the
24 commissioner of agriculture or the Department of Agriculture, as
25 applicable.

26 SECTION 4. This Act takes effect September 1, 2009.