

1-1 By: Button, et al. (Senate Sponsor - Deuell) H.B. No. 1530
1-2 (In the Senate - Received from the House April 14, 2009;
1-3 April 27, 2009, read first time and referred to Committee on
1-4 Agriculture and Rural Affairs; May 7, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 7, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the licensing and regulation of health-related pest
1-9 control by the Department of Agriculture.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 76.102, Agriculture Code, is amended to
1-12 read as follows:

1-13 Sec. 76.102. AGENCIES RESPONSIBLE FOR LICENSING PESTICIDE
1-14 APPLICATORS. ~~[(a)]~~ The department shall license pesticide
1-15 applicators involved in the following license use categories:

1-16 (1) agricultural pest control, including animal pest
1-17 control;

1-18 (2) forest pest control;

1-19 (3) ornamental and turf pest control, except as
1-20 provided by Chapter 1951, Occupations Code;

1-21 (4) seed treatments;

1-22 (5) right-of-way pest control;

1-23 (6) regulatory pest control;

1-24 (7) aquatic pest control;

1-25 (8) demonstration pest control; ~~and~~

1-26 (9) health-related pest control; and

1-27 (10) other license use categories as necessary to
1-28 comply with federal requirements. The department may not adopt
1-29 license use categories that are designated by statute for
1-30 regulation by another agency.

1-31 ~~[(b) The Texas Department of Health shall license pesticide
1-32 applicators involved in the license use category of health-related
1-33 pest control.]~~

1-34 SECTION 2. (a) A health-related pest control license issued
1-35 by the Department of State Health Services that is in effect on the
1-36 effective date of this Act remains valid for the period for which it
1-37 was issued unless suspended or revoked by the Department of
1-38 Agriculture or the commissioner of agriculture, as applicable. When
1-39 the license expires, it is subject to renewal under Subchapter E,
1-40 Chapter 76, Agriculture Code, as amended by this Act.

1-41 (b) The Department of Agriculture shall continue a
1-42 complaint, investigation, contested case, or other proceeding
1-43 involving health-related pest control that was brought before the
1-44 effective date of this Act in accordance with the law in effect on
1-45 the date the proceeding was brought, and the former law is continued
1-46 in effect for that purpose.

1-47 SECTION 3. (a) All powers, duties, obligations, and rights
1-48 of action of the Department of State Health Services related to
1-49 health-related pest control are transferred to the Department of
1-50 Agriculture on the effective date of this Act.

1-51 (b) A rule adopted by the Health and Human Services
1-52 Commission in connection with or relating to health-related pest
1-53 control continues in effect until it is amended or repealed by the
1-54 commissioner of agriculture or the Department of Agriculture, as
1-55 applicable.

1-56 SECTION 4. This Act takes effect September 1, 2009.

1-57 * * * * *