

By: Aycock

H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

relating to disclaimers by certain entities promulgating lists of
noxious or invasive terrestrial plant species.

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

SECTION 1. Subchapter D, Chapter 71, Agriculture Code, is
amended by adding Section 71.154 to read as follows:

Sec. 71.154. DISCLAIMER REQUIRED. (a) A public entity,
other than the department, that produces for public distribution to
commercial or residential landscapers a list of noxious or invasive
terrestrial plant species that includes a species growing in this
state shall provide with the list a disclaimer that states: "THIS
PLANT LIST IS ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE
STATE OF TEXAS. IT IS LAWFUL TO SELL, DISTRIBUTE, IMPORT, OR
POSSESS A PLANT ON THIS LIST UNLESS THE TEXAS DEPARTMENT OF
AGRICULTURE LABELS THE PLANT AS NOXIOUS OR INVASIVE ON THE
DEPARTMENT'S PLANT LIST."

(b) A public entity, other than the department, that
produces a list of noxious or invasive terrestrial plant species in
printed material made for public distribution to commercial or
residential landscapers, including a newspaper, trade publication,
notice, circular, or Internet website, shall post the disclaimer
required by Subsection (a) in at least 12-point type in a
conspicuous location readily visible by persons viewing the list.

(c) The department shall adopt rules requiring a public

1 entity to include the disclaimer required by Subsection (a) in a
2 manner equivalent to the manner described by Subsection (b) for
3 publication of the entity's list of noxious or invasive terrestrial
4 plant species through media not described by Subsection (b),
5 including billboards, radio productions, and television
6 productions.

7 SECTION 2. Section 71.154, Agriculture Code, as added by
8 this Act, applies only to a list that is published or distributed on
9 or after the effective date of this Act. A list that is published or
10 distributed before the effective date of this Act is governed by the
11 law in effect immediately before the effective date of this Act, and
12 the former law is continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2011.