

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 and distributed
9 on or after the effective date of this Act. A list that is published
10 or distributed before the effective date of this Act is governed by
11 the law in effect immediately before the effective date of this Act,
12 and the former law is continued in effect for that purpose.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 338 was passed by the House on March 31, 2011, by the following vote: Yeas 129, Nays 14, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 338 on May 24, 2011, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 338 was passed by the Senate, with amendments, on May 21, 2011, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor