

By: Aycock

H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to disclaimers by certain entities promulgating lists of  
3 noxious or invasive terrestrial plant species.

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

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

7 Sec. 71.154. DISCLAIMER REQUIRED. (a) A public entity,  
8 other than the department, that produces a list of noxious or  
9 invasive terrestrial plant species growing in this state shall  
10 provide with the list a disclaimer that states: "THIS PLANT LIST IS  
11 ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE STATE OF TEXAS.  
12 THE TEXAS DEPARTMENT OF AGRICULTURE HAS SOLE AUTHORITY TO LABEL  
13 TERRESTRIAL PLANTS AS NOXIOUS OR INVASIVE."

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

21 (c) The department shall adopt rules requiring a public  
22 entity to include the disclaimer required by Subsection (a) in a  
23 manner equivalent to the manner described by Subsection (b) for  
24 publication of the entity's list of noxious or invasive terrestrial

1 plant species through media not described by Subsection (b),  
2 including billboards, radio productions, and television  
3 productions.

4 SECTION 2. This Act takes effect September 1, 2011.