

By: Kleinschmidt

H.B. No. 2741

A BILL TO BE ENTITLED

AN ACT

relating to rules requiring license name in advertising of a structural pest control business.

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

SECTION 1. Section 1951.206, Occupations Code, is amended to read as follows:

Sec. 1951.206. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) Except as provided by Subsection (b), the department may not adopt a rule restricting advertising or competitive bidding by a person subject to regulation~~ed~~ by the department under this chapter.

(b) The department may adopt rules restricting advertising or competitive bidding to prohibit false, misleading, or deceptive practices by a person subject to regulation~~ed~~ by the department under this chapter. A rule adopted under this subsection may not:

(1) restrict the use of any medium for advertising;

(2) restrict a person's personal appearance or use of a person's voice in an advertisement;

(3) relate to the size or duration of an advertisement by a person; or

(4) restrict a person's advertisement under a trade name except that the department may adopt a rule requiring the license name of the pest control business on all advertising.

SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.