

## **BILL ANALYSIS**

Senate Research Center  
83R12193 MAW-F

H.B. 3566  
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5/17/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law governing the powers and duties of the Texas Department of Agriculture (TDA) relating to structural pest control authorize TDA to adopt rules restricting advertising or competitive bidding by certain pest control businesses regulated by TDA in order to prohibit false, misleading, or deceptive practices but prohibits such rules from restricting a pest control business's advertisement under a trade name. Interested parties contend that such rules should apply to pest control businesses regardless of whether they are actually licensed by TDA and that TDA should not be prevented from restricting a person's advertisement under the name of a business or license holder. H.B. 3566 seeks to promote truth in advertising by amending current law relating to advertising by a structural pest control business.

H.B. 3566 amends current law relating to the regulation of advertising by structural pest control businesses.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Department of Agriculture (TDA) is modified in SECTION 1 (Section 1951.206, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1951.206, Occupations Code, as follows:

Sec. 1951.206. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) Prohibits the Texas Department of Agriculture (TDA), except as provided by Subsection (b), from adopting a rule restricting advertising or competitive bidding by a person subject to regulation by TDA, rather than by a person regulated by TDA, under this chapter (Structural Pest Control).

(b) Authorizes TDA to adopt rules restricting advertising or competitive bidding to prohibit false, misleading, or deceptive practices by a person subject to regulation by TDA, rather than by a person regulated by TDA under this chapter.

(c) Provides that Subsection (b)(4) (relating to prohibiting a rule adopted by TDA from restricting a person's advertisement under a trade name) does not prohibit TDA from adopting a rule regulating the use of the name of a business or license holder in an advertisement for a structural pest control business.

SECTION 2. Effective date: upon passage or September 1, 2013.