BILL ANALYSIS

BACKGROUND AND PURPOSE

Current law governing the powers and duties of the Department of Agriculture (TDA) relating to structural pest control authorize the TDA to adopt rules restricting advertising or competitive bidding by certain pest control businesses regulated by the TDA in order to prohibit false, misleading, or deceptive practices but prohibits such rules from restricting a pest control business' 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 the TDA and that the 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.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 of this bill.

ANALYSIS

H.B. 3566 amends the Occupations Code, in regard to the adoption by the Department of Agriculture (TDA) of rules restricting advertising or competitive bidding by structural pest control businesses, to specify that the TDA's authority to adopt rules restricting advertising or competitive bidding in order to prohibit false, misleading, or deceptive practices applies to advertising or competitive bidding by a person subject to regulation by the TDA under the Texas Structural Pest Control Act, rather than to a person so regulated, and to specify that the prohibition against the adoption of a rule restricting a person's advertisement under a trade name does not prohibit the 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.