

By: Kleinschmidt

H.B. No. 3566

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of advertising by structural pest  
3 control businesses.

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

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

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

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

- 17 (1) restrict the use of any medium for advertising;
- 18 (2) restrict a person's personal appearance or use of a  
19 person's voice in an advertisement;
- 20 (3) relate to the size or duration of an advertisement  
21 by a person; or
- 22 (4) restrict a person's advertisement under a trade  
23 name.

24 (c) Subsection (b)(4) does not prohibit the department from

1 adopting a rule regulating the use of the name of a business or  
2 license holder in an advertisement for a structural pest control  
3 business.

4           SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2013.