

AN ACT

relating to the regulation of advertising by structural pest control businesses.

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 [~~regulated~~] 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 [~~regulated~~] 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.

(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.

President of the Senate

Speaker of the House

I certify that H.B. No. 3566 was passed by the House on May 7, 2013, by the following vote: Yeas 114, Nays 15, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3566 was passed by the Senate on May 22, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor