

1-1 By: Kleinschmidt (Senate Sponsor - Hegar) H.B. No. 3566
1-2 (In the Senate - Received from the House May 8, 2013;
1-3 May 9, 2013, read first time and referred to Committee on
1-4 Agriculture, Rural Affairs, and Homeland Security; May 20, 2013,
1-5 reported favorably by the following vote: Yeas 3, Nays 0;
1-6 May 20, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to the regulation of advertising by structural pest
1-17 control businesses.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 1951.206, Occupations Code, is amended
1-20 to read as follows:

1-21 Sec. 1951.206. RULES RESTRICTING ADVERTISING OR
1-22 COMPETITIVE BIDDING. (a) Except as provided by Subsection (b), the
1-23 department may not adopt a rule restricting advertising or
1-24 competitive bidding by a person subject to regulation [~~regulated~~]
1-25 by the department under this chapter.

1-26 (b) The department may adopt rules restricting advertising
1-27 or competitive bidding to prohibit false, misleading, or deceptive
1-28 practices by a person subject to regulation [~~regulated~~] by the
1-29 department under this chapter. A rule adopted under this
1-30 subsection may not:

1-31 (1) restrict the use of any medium for advertising;

1-32 (2) restrict a person's personal appearance or use of a
1-33 person's voice in an advertisement;

1-34 (3) relate to the size or duration of an advertisement
1-35 by a person; or

1-36 (4) restrict a person's advertisement under a trade
1-37 name.

1-38 (c) Subsection (b)(4) does not prohibit the department from
1-39 adopting a rule regulating the use of the name of a business or
1-40 license holder in an advertisement for a structural pest control
1-41 business.

1-42 SECTION 2. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2013.

1-47 * * * * *