

BILL ANALYSIS

Senate Research Center

S.B. 1113
By: Lucio
Health & Human Services
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the summer of 2018, South Texas (specifically Hidalgo and Cameron Counties) faced severe rainstorms and flooding. As a result, floods and standing water increased the need for surveillance and mitigation of vector-borne diseases.

Since localized Zika has been prevalent in the Rio Grande Valley since 2016, a local public health threat was immediately exacerbated because of the accompanying environmental changes. At the time, the local public health department sought the assistance of the Office of the Governor (governor's office) in receiving a "waiver" for spraying of mosquitos, due to the region's shortage of certified vector control applicators. At the request of the governor's office, the Texas Department of Agriculture (TDA), which has oversight over mosquito applicators, worked with the local health department to grant them the necessary waiver for emergency mosquito control.

S.B. 1113 seeks to better protect public health by codifying a waiver provided by TDA to local health departments that were in great need of additional vector control sprayers in 2018. Specifically, S.B. 1113 codifies the protocol and procedure that must be adhered to in order for a local health department to be eligible to request and be granted a waiver for emergency mosquito control through supervised pesticide application. (Original Author's/Sponsor's Statement of Intent)

S.B. 1113 amends current law relating to a waiver authorizing the application of pesticides for mosquito control by certain municipal or county employees in an emergency.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 76, Agriculture Code, by adding Section 76.120, as follows:

Sec. 76.120. EMERGENCY MOSQUITO CONTROL BY CERTAIN MUNICIPAL OR COUNTY EMPLOYEES. (a) Authorizes a municipal or county health department to apply for a waiver from the Texas Department of Agriculture (TDA) authorizing the application of pesticides for mosquito control in the manner provided by this section if:

(1) the municipality or county is in a state of disaster as declared by the governor under Chapter 418 (Emergency Management), Government Code; or

(2) the municipal or county health department determines that immediate action is needed to control the threat of mosquito-borne disease.

(b) Requires TDA, on application by a municipal or county health department, to grant a waiver authorizing unlicensed employees of the municipality of county to

apply pesticides for mosquito control under the direct supervision of a licensed applicator employed by the municipality or county, a nearby political subdivision, this state, or the federal government.

(c) Authorizes an unlicensed employee of the municipality or county to apply pesticides as authorized by a waiver if the unlicensed employee and the licensed applicator supervising the employee execute an affidavit promulgated by TDA describing the supervision arrangement and return the affidavit to TDA.

SECTION 2. Effective date: upon passage or September 1, 2019.