

By: Wray

H.B. No. 4547

A BILL TO BE ENTITLED

AN ACT

relating to requiring a consumer warning upon sale of certain household plants that are hazardous when ingested by canines.

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

SECTION 1. This Act shall be known as Rudy's Law.

SECTION 2. Section 71.057 of the Agriculture Code is amended to read as follows:

Sec. 71.057. NURSERY DEALERS AND AGENTS; ANNUAL REGISTRATION; REQUIRED WARNING TO CONSUMERS. (a) A person who buys and sells or leases or offers for sale or lease a nursery product and who has facilities that maintain or preserve the nursery product and prevent that product from becoming dry, infested, or diseased is a nursery dealer.

(b) A person is a nursery agent if the person sells or leases, offers for sale or lease, or takes mail orders for the sale or lease of a nursery product and:

(1) is entirely under the control of a nursery grower or nursery dealer with whom the nursery product offered for sale or lease originates; or

(2) operates on a cooperative basis for handling a nursery product with a nursery grower or nursery dealer.

(c) A nursery agent shall possess proper credentials from the nursery grower or nursery dealer the agent represents or cooperates with. A nursery agent who fails to possess proper

1 credentials is subject to this subchapter as a nursery dealer.

2 (d) A nursery dealer or nursery agent must register with the
3 department under this section before offering for sale or lease or
4 otherwise distributing a nursery product.

5 (e) A nursery dealer or nursery agent may apply for
6 registration or renewal of registration by submitting an
7 application prescribed by the department and an annual fee. The fee
8 shall be the sum of:

9 (1) an amount based on the size and type of a location,
10 as defined by department rule, where a nursery dealer or nursery
11 agent offers a nursery product for sale or lease; and

12 (2) an optional additional amount equal to 15 percent
13 of the amount described by Subdivision (1), to fund the Texas
14 nursery and floral account.

15 (e-1) The department shall allow an applicant to elect
16 whether to pay the amount described by Subsection (e)(2). An
17 applicant is not required to pay that amount to apply for or renew
18 registration.

19 (f) Registrations under this section expire one year after
20 issuance. A person who fails to submit a renewal fee on or before
21 the expiration date of the registration must pay, in addition to the
22 renewal fee, the late fee provided by Section 12.024 of this code.

23 (g) Upon receipt of the correct annual registration fee, the
24 department shall issue a registration certificate for each location
25 a florist or nursery owner has registered.

26 (h) A nursery dealer or nursery agent must include a written
27 statement upon the sale of any species of plant containing cycasin,

1 warning the end user of such plant that the ingestion of the plant
2 by canines can be harmful or fatal.

3 SECTION 3. This Act takes effect September 1, 2019.