

By: Lucio

S.B. No. 1113

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a waiver authorizing the application of pesticides for  
3 mosquito control by certain municipal or county employees in an  
4 emergency.

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

6 SECTION 1. Subchapter E, Chapter 76, Agriculture Code, is  
7 amended by adding Section 76.120 to read as follows:

8 Sec. 76.120. EMERGENCY MOSQUITO CONTROL BY CERTAIN  
9 MUNICIPAL OR COUNTY EMPLOYEES. (a) A municipal or county health  
10 department may apply for a waiver from the department authorizing  
11 the application of pesticides for mosquito control in the manner  
12 provided by this section if:

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

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

19 (b) On application by a municipal or county health  
20 department, the department may grant a waiver authorizing  
21 unlicensed employees of the municipality or county to apply  
22 pesticides for mosquito control under the direct supervision of a  
23 licensed applicator employed by the municipality or county, a  
24 nearby political subdivision, this state, or the federal

1 government.

2 (c) An unlicensed employee of the municipality or county may  
3 apply pesticides as authorized by a waiver if the unlicensed  
4 employee and the licensed applicator supervising the employee  
5 execute an affidavit promulgated by the department describing the  
6 supervision arrangement and return the affidavit to the department.

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2019.