

By: Lucio  
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S.B. No. 1113

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 76.120. EMERGENCY MOSQUITO CONTROL BY CERTAIN MUNICIPAL OR COUNTY EMPLOYEES. (a) A municipal or county health department may apply for a waiver from the department 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, 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) On application by a municipal or county health department, the department may grant a waiver authorizing unlicensed employees of the municipality or 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

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.