

BILL ANALYSIS

Senate Research Center
88R3686 KBB-D

H.B. 1761
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Water, Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

An issue arises when there is a merger of companies that each have a registration for the same pesticide. The merged company has to keep both registrations when ideally it should only need a single registration post-merger. Under current law, the process for discontinuing a pesticide registration is both onerous and duplicative, causing additional and unnecessary work for the registrant. Current law requires a pesticide to continue to be registered until the pesticide is completely out of the state's supply channel, even if the pesticide is no longer being produced or is no longer registered with the federal government.

H.B. 1761 seeks to address this issue by limiting the length of time that a pesticide that is no longer distributed in Texas must continue to be registered with the state in order to bring the state in line with a majority of the other states on this issue and to provide for the best use of state inspection resources.

H.B. 1761 amends current law relating to the period for which a pesticide must be registered.

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 Section 76.041, Agriculture Code, by amending Subsection (g) and adding Subsection (g-1), as follows:

(g) Requires that a pesticide that has been registered with the Texas Department of Agriculture, except as provided by Subsection (g-1), continue to be registered until the earlier of:

(1) the second anniversary of the date the registrant stops distributing the pesticide in this state; or

(2) the date no pesticide remains in the channels of trade in this state, rather than as long as the pesticide remains in the channels of trade in this state.

Deletes existing text requiring the registrant to ensure that the pesticide continues to be registered.

(g-1) Provides that a registrant that initiates a recall of a pesticide from distribution in this state before the pesticide's registration expires is not required to continue to register the pesticide after the expiration date.

SECTION 2. Effective date: September 1, 2023.