

BILL ANALYSIS

H.B. 1761
By: Burns
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1761 amends the Agriculture Code to limit the length of time that a pesticide that is no longer distributed in Texas must continue to be registered with the Department of Agriculture by requiring registration only until the second anniversary of the date the registrant stops distributing the pesticide in Texas if that anniversary is earlier than the date no pesticide remains in the state's channels of trade. The bill removes a requirement for a registrant to ensure that a pesticide remaining in the state's channels of trade continues to be registered. The bill establishes that a registrant that initiates a recall of a pesticide from distribution in Texas before the pesticide's registration expires is not required to continue to register the pesticide after the expiration date.

EFFECTIVE DATE

September 1, 2023.