

1 AN ACT

2 relating to the licensing and regulation of health-related pest
3 control by the Department of Agriculture.

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

5 SECTION 1. Section 76.102, Agriculture Code, is amended to
6 read as follows:

7 Sec. 76.102. AGENCIES RESPONSIBLE FOR LICENSING PESTICIDE
8 APPLICATORS. [~~a~~] The department shall license pesticide
9 applicators involved in the following license use categories:

10 (1) agricultural pest control, including animal pest
11 control;

12 (2) forest pest control;

13 (3) ornamental and turf pest control, except as
14 provided by Chapter 1951, Occupations Code;

15 (4) seed treatments;

16 (5) right-of-way pest control;

17 (6) regulatory pest control;

18 (7) aquatic pest control;

19 (8) demonstration pest control; [~~and~~]

20 (9) health-related pest control; and

21 (10) other license use categories as necessary to
22 comply with federal requirements. The department may not adopt
23 license use categories that are designated by statute for
24 regulation by another agency.

1 ~~[(b) The Texas Department of Health shall license pesticide~~
2 ~~applicators involved in the license use category of health-related~~
3 ~~pest control.]~~

4 SECTION 2. (a) A health-related pest control license issued
5 by the Department of State Health Services that is in effect on the
6 effective date of this Act remains valid for the period for which it
7 was issued unless suspended or revoked by the Department of
8 Agriculture or the commissioner of agriculture, as applicable. When
9 the license expires, it is subject to renewal under Subchapter E,
10 Chapter 76, Agriculture Code, as amended by this Act.

11 (b) The Department of Agriculture shall continue a
12 complaint, investigation, contested case, or other proceeding
13 involving health-related pest control that was brought before the
14 effective date of this Act in accordance with the law in effect on
15 the date the proceeding was brought, and the former law is continued
16 in effect for that purpose.

17 SECTION 3. (a) All powers, duties, obligations, and rights
18 of action of the Department of State Health Services related to
19 health-related pest control are transferred to the Department of
20 Agriculture on the effective date of this Act.

21 (b) A rule adopted by the Health and Human Services
22 Commission in connection with or relating to health-related pest
23 control continues in effect until it is amended or repealed by the
24 commissioner of agriculture or the Department of Agriculture, as
25 applicable.

26 SECTION 4. This Act takes effect September 1, 2009.

Grand Newhurst

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 1530 was passed by the House on April 9, 2009, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1530 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Daisy Saw
Secretary of the Senate

APPROVED: 19 JUN '09
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

JUN 19 2009

Colby Shuter III