

- SUBJECT:** Regulating use of a structural pest control business' name in advertising
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 7 ayes — T. King, Anderson, M. González, Kacal, Kleinschmidt, Springer, White
0 nays
- WITNESSES:** For — Gary Gillen, Texas Pest Control Association; (*Registered, but did not testify*: Donald Ward, Texas Pest Control Association; Dale Burnett)
Against — None
- BACKGROUND:** The Texas Department of Agriculture (TDA) is charged with regulating the structural pest control industry in order to protect the health and well-being of the public.

Occupations Code, sec. 1951.206, limits the authority of TDA to adopt rules restricting advertising unless that advertising is false, misleading, or deceptive. The limitations include that the rules may not restrict a person's advertisement under a trade name.
- DIGEST:** HB 3566 would amend Occupations Code, sec. 1951.206 to specify that TDA would not be prohibited from adopting rules regulating the use of the name of a business in an advertisement for a structural pest control business.

The bill also would change the scope of the section's applicability to a person subject to regulation, rather than regulated, by TDA.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.