

**BILL ANALYSIS**

C.S.H.B. 1586  
By: King, Tracy O.  
Licensing & Administrative Procedures  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Interested parties have expressed a need to strengthen the Texas Department of Agriculture’s ability to take administrative action against individuals advertising and contracting for pest control services without a pest control license and the required training, criminal background checks, and insurance. C.S.H.B. 1586 seeks to do so by clarifying the service-related activities for which a person is considered to be engaged in the business of structural pest control.

**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**

C.S.H.B. 1586 amends the Occupations Code to establish that a clerical employee or a manual laborer is not engaged in the business of structural pest control if the person does not advertise or solicit to perform any service described by certain statutory provisions relating to such business. The bill clarifies the service-related activities for which a person is considered to be engaged in the business of structural pest control and is required to hold a license under the Texas Structural Pest Control Act.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1586 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 1951.003, Occupations Code, is amended to read as follows: Sec. 1951.003. BUSINESS OF	SECTION 1. Section 1951.003, Occupations Code, is amended to read as follows: Sec. 1951.003. BUSINESS OF

STRUCTURAL PEST CONTROL. (a) ~~Subsection (b) applies to [In this chapter, a person is engaged in the "business of structural pest control" if the person performs, offers to perform, or advertises for or solicits the person's performance of any of] the following services [for compensation, including services performed as a part of the person's employment]:~~

(1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of:

(A) arthropods, including insects, spiders, mites, ticks, and related pests, wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals that may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures or their contents; or

(B) pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street;

(2) making oral or written inspection reports, recommendations, estimates, or bids with respect to an infestation described by Subdivision (1); or

(3) making contracts, or submitting bids based on an inspection for services or performing services designed to prevent, control, or eliminate an infestation described by Subdivision (1) by the use of insecticides, pesticides, rodenticides, fumigants, allied chemicals or substances, or mechanical devices.

(b) A person is engaged in the "business of structural pest control" and required to hold a license under this chapter if the person:

(1) advertises or solicits to perform any service described by Subsection (a); or

(2) performs or offers to perform for compensation any service described by Subsection (a), including a service performed as part of the person's employment.

(c) A person is not engaged in the business of structural pest control if the person is a clerical employee or a manual laborer and the person does not:

(1) identify pests;

(2) make inspections, recommendations, estimates, bids, or contracts;

(3) provide estimates, bids, or contracts based on an inspection; [~~or~~]

STRUCTURAL PEST CONTROL. (a) ~~Subsection (b) applies to [In this chapter, a person is engaged in the "business of structural pest control" if the person performs, offers to perform, or advertises for or solicits the person's performance of any of] the following services [for compensation, including services performed as a part of the person's employment]:~~

(1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of:

(A) arthropods, including insects, spiders, mites, ticks, and related pests, wood-infesting organisms, rodents, weeds, nuisance birds, and any other obnoxious or undesirable animals that may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures or their contents; or

(B) pests or diseases of trees, shrubs, or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street;

(2) making oral or written inspection reports, recommendations, estimates, or bids with respect to an infestation described by Subdivision (1); or

(3) making contracts, or submitting bids ~~[based on an inspection]~~ for services or performing services designed to prevent, control, or eliminate an infestation described by Subdivision (1) by the use of insecticides, pesticides, rodenticides, fumigants, allied chemicals or substances, or mechanical devices.

(b) A person is engaged in the "business of structural pest control" and required to hold a license under this chapter if the person:

(1) advertises or solicits to perform any service described by Subsection (a); or

(2) performs or offers to perform for compensation any service described by Subsection (a), including a service performed as part of the person's employment.

(c) A person is not engaged in the business of structural pest control if the person is a clerical employee or a manual laborer and the person does not:

(1) identify pests;

(2) make inspections, recommendations, estimates, bids, or contracts;

(3) provide estimates, bids, or contracts based on an inspection; [~~or~~]

(4) apply insecticides, pesticides, rodenticides, fumigants, allied chemicals, or other related substances regulated by the department; or  
(5) advertise or solicit to perform any service described by Subsection (a).

SECTION 2. The changes in law made by this Act apply only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect when the conduct occurs, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

(4) apply insecticides, pesticides, rodenticides, fumigants, allied chemicals, or other related substances regulated by the department; or  
(5) advertise or solicit to perform any service described by Subsection (a).

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.