

- SUBJECT:** Requiring licenses for persons advertising for structural pest control
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 5 ayes — Kuempel, Guillen, Hernandez, Herrero, S. Thompson
- 0 nays
- 3 absent — Frullo, Geren, Paddie
- 1 present not voting — Goldman
- WITNESSES:** For — Don Ward, Texas Pest Control Association; (*Registered, but did not testify*: Dale Burnett, Burnett's Pest Services; Todd Kercheval, Texas Pest Control Association)
- Against — None
- On — (*Registered, but did not testify*: Leslie Smith, Texas Department of Agriculture)
- BACKGROUND:** Occupations Code, ch. 1951 governs the Structural Pest Control Act. The act provides that a person is engaged in the business of structural pest control if that person advertises, solicits, performs, or offers to perform one of several listed services for compensation, including services performed as part of the person's employment. Clerical employees and manual laborers are not considered to be engaged in the business as long as they do not identify pests; make or provide inspections, recommendations, estimates, bids, or contracts; or apply certain pest-control substances regulated by the Texas Department of Agriculture (TDA). TDA is required to develop standards and criteria for issuing structural pest control licenses to businesses and individuals engaged in the structural pest control business.

Some have suggested that TDA's ability to take administrative action

should be strengthened in cases in which individuals are advertising and contracting for pest control services without a pest control license and the required training, criminal background checks, and insurance.

DIGEST: CSHB 1586 would establish that a person was required to hold a license if the person advertised or solicited to perform, performed, or offered to perform any of the following services:

- identifying infestations;
- making oral or written inspection reports, recommendations, estimates, or bids regarding an infestation; or
- making contracts or submitting bids based on an inspection or performing certain pest-control services.

Clerical employees and manual laborers would not be engaged in the business as long as they were not advertising or soliciting to perform any of these services.

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, 2017, and would apply only to conduct that occurred on or after the effective date.

NOTES: A companion bill, SB 1393 by Estes, was considered in a public hearing of the Senate Business and Commerce Committee on May 2 and left pending.