

By: Aycock

H.B. No. 338

Substitute the following for H.B. No. 338:

By: Lozano

C.S.H.B. No. 338

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disclaimers by certain entities promulgating lists of
3 noxious or invasive terrestrial plant species.

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

5 SECTION 1. Subchapter D, Chapter 71, Agriculture Code, is
6 amended by adding Section 71.154 to read as follows:

7 Sec. 71.154. DISCLAIMER REQUIRED. (a) A public entity,
8 other than the department, that produces for public distribution to
9 commercial or residential landscapers a list of noxious or invasive
10 terrestrial plant species that includes a species growing in this
11 state shall provide with the list a disclaimer that states: "THIS
12 PLANT LIST IS ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE
13 STATE OF TEXAS. IT IS LAWFUL TO SELL, DISTRIBUTE, IMPORT, OR
14 POSSESS A PLANT ON THIS LIST UNLESS THE TEXAS DEPARTMENT OF
15 AGRICULTURE LABELS THE PLANT AS NOXIOUS OR INVASIVE ON THE
16 DEPARTMENT'S PLANT LIST."

17 (b) A public entity, other than the department, that
18 produces a list of noxious or invasive terrestrial plant species in
19 printed material made for public distribution to commercial or
20 residential landscapers, including a newspaper, trade publication,
21 notice, circular, or Internet website, shall post the disclaimer
22 required by Subsection (a) in at least 12-point type in a
23 conspicuous location readily visible by persons viewing the list.

24 (c) The department shall adopt rules requiring a public

1 entity to include the disclaimer required by Subsection (a) in a
2 manner equivalent to the manner described by Subsection (b) for
3 publication of the entity's list of noxious or invasive terrestrial
4 plant species through media not described by Subsection (b),
5 including billboards, radio productions, and television
6 productions.

7 SECTION 2. Section 71.154, Agriculture Code, as added by
8 this Act, applies only to a list that is published or distributed on
9 or after the effective date of this Act. A list that is published or
10 distributed before the effective date of this Act is governed by the
11 law in effect immediately before the effective date of this Act, and
12 the former law is continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2011.