

CHAPTER 96

S.B. No. 609

AN ACT

relating to the authority of cities, towns, and other political subdivisions of the state to regulate pesticides and pesticide use.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 76.101, Agriculture Code, is amended by adding Subsection (d) to read as follows:

(d)(1) Except as otherwise provided by this subsection, no city, town, county, or other political subdivision of this state shall adopt any ordinance, rule, or regulation regarding pesticide sale or use.

(2) Nothing in this subsection shall be construed to limit the authority of a city, town, or county to:

(A) encourage locally approved and provided educational material concerning a pesticide;

(B) zone for the sale or storage of such products;

(C) adopt fire or building regulations as preventative measures to protect the public and emergency services personnel from an accident or emergency involving such products, including regulations governing the storage of such products or governing fumigation and thermal insecticidal fogging operations;

(D) provide or designate sites for the disposal of such products;

(E) route hazardous materials; or

(F) regulate discharge to sanitary sewer systems.

(3) This subsection shall not prevent a city, town, county, or any political subdivision from complying with any federal or state law or regulation. This subsection shall not prevent a city, town, county, or any political subdivision from attaining or maintaining compliance with federal or state environmental standards including Texas water quality standards. A city, town, county, or other political subdivision may take any action otherwise prohibited by this subsection in order to comply with any federal requirements, to avoid any federal or state penalties or fines, or to attain or maintain federal or state environmental standards including Texas water quality standards.

(4) Nothing in this subsection may be construed to affect Chapter 75 of this code.

SECTION 2. The Texas Structural Pest Control Act (Article 135b-6, Vernon's Texas Civil Statutes) is amended by adding Section 11C to read as follows:

Sec. 11C. (a) Except as otherwise provided by this section, no city, town, county, or other political subdivision of this state shall adopt any ordinance, rule, or regulation regarding pesticide sale or use.

(b) Nothing in this section shall be construed to limit the authority of a city, town, or county to:

(1) encourage locally approved and provided educational material concerning a pesticide;

(2) zone for the sale or storage of such products;

(3) adopt fire or building regulations as preventative measures to protect the public and emergency services personnel from an accident or emergency involving such products, including regulations governing the storage of such products or governing fumigation and thermal insecticidal fogging operations;

(4) provide or designate sites for the disposal of such products;

(5) route hazardous materials; or

(6) regulate discharge to sanitary sewer systems.

(c) This section shall not prevent a city, town, county, or any political subdivision from complying with any federal or state law or regulation. This section shall not prevent a city, town, county, or any political subdivision from attaining or maintaining compliance with federal or state environmental standards including Texas water quality standards. A city, town, county, or other political subdivision may take any action otherwise prohibited by this subsection in order to comply with any federal requirements, to avoid any federal or state penalties or fines, or to attain or maintain federal or state environmental standards including Texas water quality standards.

(d) Nothing in this section may be construed to affect Chapter 75, Agriculture Code.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 30, 1993: Yeas 26, Nays 5; the Senate concurred in House amendments on April 26, 1993: Yeas 25, Nays 6; passed the House, with amendments, on April 20, 1993: Yeas 101, Nays 43, one present not voting.

Filed without signature May 7, 1993.

Effective May 7, 1993.