A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 71.154. DISCLAIMER REQUIRED. (a) A public entity,
other than the department, that produces a list of noxious or
invasive terrestrial plant species growing in this state shall
provide with the list a disclaimer that states: "THIS PLANT LIST IS
ONLY A RECOMMENDATION AND HAS NO LEGAL EFFECT IN THE STATE OF TEXAS.
THE TEXAS DEPARTMENT OF AGRICULTURE HAS SOLE AUTHORITY TO LABEL
TERRESTRIAL PLANTS AS NOXIOUS OR INVASIVE."

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

(c) The department shall adopt rules requiring a public
entity to include the disclaimer required by Subsection (a) in a
manner equivalent to the manner described by Subsection (b) for
publication of the entity's list of noxious or invasive terrestrial

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plant species through media not described by Subsection (b), including billboards, radio productions, and television productions.

SECTION 2. This Act takes effect September 1, 2011.