

By: Coleman

H.B. No. 2719

A BILL TO BE ENTITLED

AN ACT

relating to mercury contamination in fish and shellfish.

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

SECTION 1. Chapter 436, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. CONTAMINATION TESTING

Sec. 436.151. DEFINITIONS. In this subchapter, "fresh water" and "salt water" have the meanings assigned by Section 66.001, Parks and Wildlife Code.

Sec. 436.152. TESTING FOR MERCURY CONTAMINATION. (a) The department shall establish a program to test all fresh water and salt water within the state's jurisdiction for mercury contamination that negatively impacts aquatic life.

(b) The program established under Subsection (a) must provide for periodic testing of all fresh water and salt water within the state's jurisdiction. The length of time between mercury contamination tests on a body of fresh water or salt water may not exceed three years.

(c) The program established under Subsection (a) must give first priority to testing bodies of fresh water and salt water that have not previously been tested for mercury contamination by the department. All bodies of fresh water and salt water that have not previously been tested for mercury contamination by the department must be tested for mercury contamination before any body of fresh

1 water or salt water that has been previously tested for mercury
2 contamination by the department is tested again.

3 Sec. 436.153. DECLARATION OF PROHIBITED AREAS. The
4 director shall exercise the director's power under Section 436.091
5 to declare a prohibited area if mercury contamination testing of an
6 area reveals that the level of mercury contamination in the area
7 renders aquatic life in the tested water unfit for human
8 consumption.

9 Sec. 436.154. EDUCATIONAL PAMPHLET. (a) The department
10 shall publish an educational pamphlet that:

11 (1) reports and explains the results of the mercury
12 contamination testing program established under Section 436.152;

13 (2) lists any fish consumption advisories,
14 recommended fish consumption amounts, and fish consumption bans
15 issued by the director under Section 436.091 or this subchapter;
16 and

17 (3) advises consumers of the risks associated with
18 eating aquatic life from prohibited areas or from a body of water
19 with a high level of mercury contamination.

20 (b) The department shall update and republish the
21 educational pamphlet at least once every three years.

22 (c) The department shall provide the Parks and Wildlife
23 Department with a sufficient number of the educational pamphlets to
24 allow the Parks and Wildlife Department to distribute a pamphlet
25 with each fishing license sold in this state.

26 Sec. 436.155. PUBLIC SERVICE ANNOUNCEMENT. (a) The
27 department shall prepare and issue a public service announcement or

1 series of public service announcements for broadcast on radio or
2 television that advise consumers of:

3 (1) the risks associated with eating aquatic life from
4 prohibited areas or from a body of water with a high level of
5 mercury contamination; and

6 (2) places where consumers can obtain more information
7 concerning water contamination and aquatic life consumption.

8 (b) The department shall update and reissue the public
9 service announcement or series of public service announcements at
10 least once every three years.

11 (c) The department shall notify appropriate media outlets
12 of the availability of the public service announcement or series of
13 public service announcements issued under Subsection (a) and shall
14 provide requesting media outlets with the announcement or series of
15 announcements.

16 Sec. 436.156. RULES. The board shall adopt rules as
17 necessary to implement this subchapter.

18 SECTION 2. Chapter 11, Parks and Wildlife Code, is amended
19 by adding Subchapter K to read as follows:

20 SUBCHAPTER K. FISH CONSUMPTION ADVISORIES

21 Sec. 11.251. PUBLICATION REQUIREMENTS. (a) The department
22 annually shall list all fish consumption advisories, recommended
23 fish consumption amounts, and fish consumption bans issued by the
24 Texas Department of Health under Chapter 436, Health and Safety
25 Code, in the Texas Parks and Wildlife Department Outdoor Annual.

26 (b) The department shall maintain a current list of all fish
27 consumption advisories, recommended fish consumption amounts, and

1 fish consumption bans issued by the Texas Department of Health
2 under Chapter 436, Health and Safety Code, in a conspicuous place on
3 the department's Internet website.

4 Sec. 11.252. DISTRIBUTION REQUIREMENTS. (a) The
5 department shall accept delivery of the educational pamphlet
6 published by the Texas Department of Health and provided to the
7 department under Section 436.154, Health and Safety Code.

8 (b) The department shall require a person selling fishing
9 licenses in the state to distribute with each fishing license sold
10 the educational pamphlet published by the Texas Department of
11 Health under Section 436.154, Health and Safety Code.

12 Sec. 11.253. PROFESSIONAL EDUCATION REQUIREMENTS. The
13 department shall provide training for all department employees who
14 sell fishing licenses concerning:

15 (1) fish consumption advisories, recommended fish
16 consumption amounts, and fish consumption bans issued by the Texas
17 Department of Health under Chapter 436, Health and Safety Code; and

18 (2) the risks associated with eating aquatic life from
19 prohibited areas or from a body of water with a high level of
20 mercury contamination.

21 Sec. 11.254. SIGNS REQUIRED. The department shall post and
22 maintain signs at all public boat ramps providing access to fresh
23 water or salt water that is affected by a fish consumption advisory
24 or fish consumption ban issued by the Texas Department of Health
25 under Chapter 436, Health and Safety Code, advising the public of
26 the existence of the ban or advisory.

27 SECTION 3. (a) This Act takes effect September 1, 2003.

1 (b) The Texas Department of Health shall publish the
2 educational pamphlet and shall prepare the public service
3 announcement or series of public service announcements required by
4 Subchapter J, Chapter 436, Health and Safety Code, as added by this
5 Act, not later than June 1, 2004.

6 (c) The director of the Texas Department of Health shall
7 adopt the rules necessary for the implementation of Subchapter J,
8 Chapter 436, Health and Safety Code, as added by this Act, not later
9 than January 1, 2004.

10 (d) The Parks and Wildlife Department shall begin
11 publishing the list of all fish consumption advisories, recommended
12 fish consumption amounts, and fish consumption bans issued by the
13 Texas Department of Health under Chapter 436, Health and Safety
14 Code, in the Texas Parks and Wildlife Department Outdoor Annual not
15 later than September 1, 2004.