

By: Coleman

H.B. No. 1303

Substitute the following for H.B. No. 1303:

By: Hilderbran

C.S.H.B. No. 1303

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 may establish a program to test fish and shellfish living in all bodies of fresh water and salt water within the state's jurisdiction for mercury contamination.

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

(c) A program established under Subsection (a) must give first priority to testing fish and shellfish living in bodies of fresh water and salt water that have not previously been tested for mercury contamination by the department. Under that program, the department must test the fish and shellfish for mercury

1 contamination in all bodies of fresh water and salt water that have
2 not previously been tested for mercury contamination by the
3 department before again testing any body of fresh water or salt
4 water in which fish and shellfish have been previously tested for
5 mercury contamination by the department.

6 Sec. 436.153. DECLARATION OF PROHIBITED AREAS. The
7 director may exercise the director's power under Section 436.091 to
8 declare a prohibited area if mercury contamination testing of fish
9 or shellfish in the area reveals that the level of mercury
10 contamination in the tested fish or shellfish renders the fish or
11 shellfish in the body of water unfit for human consumption.

12 Sec. 436.154. EDUCATIONAL PAMPHLET. (a) The department
13 may publish an educational pamphlet that:

14 (1) reports and explains the results of the mercury
15 contamination testing program established under Section 436.152,
16 if the program is established;

17 (2) lists any fish or shellfish consumption
18 advisories, recommended fish and shellfish consumption amounts,
19 and fish or shellfish consumption bans issued by the director under
20 Section 436.091 or this subchapter; and

21 (3) advises consumers of the risks associated with
22 eating fish or shellfish from prohibited areas or from a body of
23 water with a high level of mercury contamination.

24 (b) The department may update and republish the educational
25 pamphlet at least once every three years.

26 (c) The department may provide the Parks and Wildlife
27 Department with a sufficient number of the educational pamphlets to

1 allow the Parks and Wildlife Department to distribute a pamphlet on
2 request.

3 (d) The department may advise, by mail or e-mail, all public
4 libraries, schools, and medical facilities about the availability
5 of the educational pamphlet and any related Internet websites.

6 Sec. 436.155. PUBLIC SERVICE ANNOUNCEMENT. (a) The
7 department may prepare and issue a public service announcement or
8 series of public service announcements for broadcast on radio or
9 television to advise consumers of:

10 (1) the risks associated with eating fish or shellfish
11 from prohibited areas or from a body of water with a high level of
12 mercury contamination; and

13 (2) places where consumers can obtain more information
14 concerning water contamination and fish and shellfish consumption.

15 (b) The department may update and reissue the public service
16 announcement or series of public service announcements at least
17 once every three years.

18 (c) The department may notify appropriate media outlets of
19 the availability of the public service announcement or series of
20 public service announcements issued under Subsection (a) and may
21 provide requesting media outlets with the announcement or series of
22 announcements.

23 Sec. 436.156. SIGNS AT BOAT RAMPS. The department may post
24 and maintain signs in the two most widely used languages in the area
25 at all public boat ramps providing access to fresh water or salt
26 water that is affected by a fish or shellfish consumption advisory
27 or fish or shellfish consumption ban issued under Section 436.091

1 or this subchapter advising the public of the existence of the ban
2 or advisory.

3 Sec. 436.157. RULES. The executive commissioner of the
4 Health and Human Services Commission may adopt rules as necessary
5 to implement this subchapter.

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

8 SUBCHAPTER K. FISH AND SHELLFISH CONSUMPTION ADVISORIES

9 Sec. 11.251. PUBLICATION REQUIREMENTS. (a) The department
10 annually may list all fish and shellfish consumption advisories,
11 recommended fish and shellfish consumption amounts, and fish and
12 shellfish consumption bans issued under Chapter 436, Health and
13 Safety Code, in the Texas Parks and Wildlife Department Outdoor
14 Annual.

15 (b) The department may maintain a current list of all fish
16 and shellfish consumption advisories, recommended fish and
17 shellfish consumption amounts, and fish and shellfish consumption
18 bans issued under Chapter 436, Health and Safety Code, in a
19 conspicuous place on the department's Internet website.

20 Sec. 11.252. DISTRIBUTION REQUIREMENTS. (a) The
21 department may accept delivery of any educational pamphlet provided
22 to the department under Section 436.154, Health and Safety Code.

23 (b) The department may require a person selling fishing
24 licenses in the state to provide, on request, any educational
25 pamphlet published under Section 436.154, Health and Safety Code.

26 Sec. 11.253. PROFESSIONAL EDUCATION REQUIREMENTS. The
27 department may provide training for all department employees who

1 sell fishing licenses or teach angler education classes concerning:

2 (1) fish and shellfish consumption advisories,
3 recommended fish and shellfish consumption amounts, and fish and
4 shellfish consumption bans that may be issued under Chapter 436,
5 Health and Safety Code; and

6 (2) the risks associated with eating fish or shellfish
7 from prohibited areas or from a body of water with a high level of
8 mercury contamination.

9 SECTION 3. This Act takes effect September 1, 2005.