

By: Coleman

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 shall 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) The 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) The 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. The department must test the fish and shellfish for mercury contamination in all bodies of

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

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

11 Sec. 436.154. EDUCATIONAL BOOKLET. (a) The department
12 shall publish an educational booklet that:

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

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

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

22 (b) The department shall update and republish the
23 educational booklet at least once every three years.

24 (c) The department shall provide the Parks and Wildlife
25 Department with a sufficient number of the educational booklets to
26 allow the Parks and Wildlife Department to distribute a booklet on
27 request.

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

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

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

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

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

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

22 Sec. 436.156. RULES. The executive commissioner of the
23 Health and Human Services Commission shall adopt rules as necessary
24 to implement this subchapter.

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

1 SUBCHAPTER K. FISH AND SHELLFISH CONSUMPTION ADVISORIES

2 Sec. 11.251. PUBLICATION REQUIREMENTS. (a) The department
3 annually shall list all fish and shellfish consumption advisories,
4 recommended fish and shellfish consumption amounts, and fish and
5 shellfish consumption bans issued under Chapter 436, Health and
6 Safety Code, in the Texas Parks and Wildlife Department Outdoor
7 Annual.

8 (b) The department shall maintain a current list of all fish
9 and shellfish consumption advisories, recommended fish and
10 shellfish consumption amounts, and fish and shellfish consumption
11 bans issued under Chapter 436, Health and Safety Code, in a
12 conspicuous place on the department's Internet website.

13 Sec. 11.252. DISTRIBUTION REQUIREMENTS. (a) The
14 department shall accept delivery of the educational booklet
15 provided to the department under Section 436.154, Health and Safety
16 Code.

17 (b) The department shall require a person selling fishing
18 licenses in the state to provide, on request, the educational
19 booklet published under Section 436.154, Health and Safety Code.

20 Sec. 11.253. PROFESSIONAL EDUCATION REQUIREMENTS. The
21 department shall provide training for all department employees who
22 sell fishing licenses or teach angler education classes concerning:

23 (1) fish and shellfish consumption advisories,
24 recommended fish and shellfish consumption amounts, and fish and
25 shellfish consumption bans issued under Chapter 436, Health and
26 Safety Code; and

27 (2) the risks associated with eating fish or shellfish

1 from prohibited areas or from a body of water with a high level of
2 mercury contamination.

3 Sec. 11.254. SIGNS REQUIRED. The department shall post and
4 maintain signs in the two most widely used languages in the area at
5 all public boat ramps providing access to fresh water or salt water
6 that is affected by a fish or shellfish consumption advisory or fish
7 or shellfish consumption ban issued under Chapter 436, Health and
8 Safety Code, advising the public of the existence of the ban or
9 advisory.

10 SECTION 3. (a) The Department of State Health Services
11 shall publish the educational booklet and shall prepare the public
12 service announcement or series of public service announcements
13 required by Subchapter J, Chapter 436, Health and Safety Code, as
14 added by this Act, not later than June 1, 2006.

15 (b) The executive commissioner of the Health and Human
16 Services Commission shall adopt the rules necessary for the
17 implementation of Subchapter J, Chapter 436, Health and Safety
18 Code, as added by this Act, not later than January 1, 2006.

19 (c) The Parks and Wildlife Department shall begin
20 publishing the list of all fish and shellfish consumption
21 advisories, recommended fish and shellfish consumption amounts,
22 and fish and shellfish consumption bans issued under Chapter 436,
23 Health and Safety Code, in the Texas Parks and Wildlife Department
24 Outdoor Annual not later than September 1, 2006.

25 (d) The Parks and Wildlife Department shall begin posting
26 signs required by Section 11.254, Parks and Wildlife Code, as added
27 by this Act, as soon as practicable, but not later than January 1,

1 2006.

2 SECTION 4. This Act takes effect September 1, 2005.