

BILL ANALYSIS

C.S.H.B. 300
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Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Mercury is a neurotoxin and is known to threaten human health and child development. In adults, mercury can damage the brain and cardiovascular system, and it can reduce fertility. In infants and young children, mercury may cause irreversible damage to their intelligence, learning capabilities, vision, and hearing. The United States Environmental Protection Agency estimates that more than 300,000 newborns each year may have increased risk of learning disabilities associated with in utero exposure to mercury.

When mercury is released into the soil, lakes, and streams, it accumulates inside fish. Certain species of fish tend to retain higher amounts of mercury than others. The amount of mercury in a fish is determined by nearby sources of pollution, lifespan, and diet of the fish. Certain fish and shellfish are known to consistently contain levels of mercury far in excess of acceptable EPA guidelines. These include, but are not limited to, shark, swordfish, king mackerel, and tilefish.

Currently, there are no laws governing how contaminated fish are sold at retail. Consumers cannot be expected to know the mercury level of fish they are purchasing. It is important that we offer information to consumers, so that they can make responsible decisions for themselves and for their families. CSHB 300 directs the Health and Human Services Commission to post warning signs where fresh and frozen fish are usually sold to inform consumers of the health risks of fish containing high levels of mercury. The signs must be printed in the two languages that are most commonly spoken in the area in which the dealer is located.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

SECTION 1: Amends Subchapter A, Chapter 436, Health and Safety Code, by adding Section 436.004, which directs retail fish dealers to post warning signs regarding mercury levels in certain fish. These signs shall be visible to persons purchasing fresh or frozen fish. The executive commissioner of the Health and Human Services Commission shall specify the size and graphic design of the sign. The sign must be printed in the two languages that are most commonly spoken in the area in which the dealer is located.

The sign will contain the following wording: Attention women considering becoming pregnant, pregnant women, nursing mothers, and parents of young children: Some fish and shellfish, especially large fish such as shark, swordfish, king mackerel, and tilefish, contain high levels of mercury that may harm the developing nervous system of a child. For more information about the risks of mercury in fish and shellfish call the U.S. Food and Drug Administration's food information line toll-free at (insert number).

The executive commissioner of the Health and Human Services Commission shall adopt rules to administer this section.

SECTION 2: Provides the effective date: September 1, 2007

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 300 amends the Health and Safety Code, while the original amended the Agriculture Code. The substitute also gives the executive commissioner of the Health and Human Services Commission the authority to specify the size and graphic design of the sign and the authority to administer the adopted section. While the original gave that authority to the Texas Department of Agriculture. In addition, the substitute adds language to require that the sign be printed in the two languages that are most commonly spoken in the area in which the dealer is located and contain wording in those languages equivalent to the language in the English version of the sign.