

By: Deuell

S.B. No. 1214

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to consumption advisories for mercury contamination in  
3 fish, crustaceans, molluscan shellfish, and other aquatic and  
4 terrestrial animals.

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

6 SECTION 1. Subchapter G, Chapter 436, Health and Safety  
7 Code, is amended by adding Sections 436.092 and 436.093 to read as  
8 follows:

9 Sec. 436.092. SURVEY. (a) The director may rely upon  
10 surveys of the levels of mercury and mercury compounds in fish,  
11 crustaceans, molluscan shellfish, and other aquatic or terrestrial  
12 animals living in or near bodies of water in or bordering on this  
13 state that have been conducted by state and federal agencies,  
14 institutions of higher education, or other organizations that the  
15 director determines reliable.

16 (b) Annually, the director shall notify the public of the  
17 survey results and of any declaration of a prohibited area or  
18 consumption advisory necessary based on the survey results.

19 (c) The executive commissioner of the Health and Human  
20 Services Commission may adopt rules governing the surveys used or  
21 public notifications required under this section.

22 Sec. 436.093. CONSUMPTION ADVISORY FOR MERCURY. (a)  
23 Annually, the executive commissioner of the Health and Human  
24 Services Commission shall issue or update consumption advisories

1 for fish, crustaceans, molluscan shellfish, and other aquatic or  
2 terrestrial animals living in or near bodies of water in or  
3 bordering on this state if the surveys under Section 436.092  
4 indicate that levels of methyl mercury in the tissues of fish or  
5 other animals that are consumed by the public equal or exceed 0.3  
6 mg/kg.

7 (b) The executive commissioner may issue a consumption  
8 advisory if the survey shows levels lower than 0.3 mg/kg if the  
9 executive commissioner determines that the risks of consumption of  
10 the animal require an advisory.

11 (c) A consumption advisory must distinguish:

12 (1) risks related to particular fish or other animal  
13 species; and

14 (2) risks to sensitive or at-risk populations, such as  
15 children.

16 (d) The executive commissioner shall, in consultation with  
17 the Texas Parks and Wildlife Commission and other state or federal  
18 agencies, post consumption advisories:

19 (1) on the Internet website of the department;

20 (2) at any public body of water that is the subject of  
21 an advisory; and

22 (3) through any other means of public notification  
23 that the executive commissioner determines appropriate.

24 (e) The department shall provide on its Internet website a  
25 map of public bodies of water in this state for which a consumption  
26 advisory or a consumption ban has been issued.

27 (f) The department shall provide on its Internet website

1 information advising the public of the risks of consuming fish or  
2 other animals covered by a consumption advisory under this section.

3 (g) The department may use its Internet website or other  
4 means to educate the public about the risks of consumption of fish  
5 or other animals with elevated levels of mercury or mercury  
6 compounds.

7 SECTION 2. Notwithstanding Sections 436.092 and 436.093,  
8 Health and Safety Code, as added by this Act, a consumption advisory  
9 is not required to be issued before February 1, 2010.

10 SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.