

1-1 By: Deuell S.B. No. 1214
1-2 (In the Senate - Filed February 27, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1214 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to consumption advisories for mercury contamination in
1-11 fish, crustaceans, molluscan shellfish, and other aquatic and
1-12 terrestrial animals.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter G, Chapter 436, Health and Safety
1-15 Code, is amended by adding Sections 436.092 and 436.093 to read as
1-16 follows:

1-17 Sec. 436.092. SURVEY. (a) The director may rely upon
1-18 surveys of the levels of mercury and mercury compounds in fish,
1-19 crustaceans, molluscan shellfish, and other aquatic or terrestrial
1-20 animals living in or near bodies of water in or bordering on this
1-21 state that have been conducted by state and federal agencies,
1-22 institutions of higher education, or other governmental entities.

1-23 (b) Annually, the director shall notify the public of the
1-24 survey results and of any declaration of a prohibited area or
1-25 consumption advisory necessary based on the survey results.

1-26 (c) The executive commissioner of the Health and Human
1-27 Services Commission may adopt rules governing the surveys used or
1-28 public notifications required under this section.

1-29 Sec. 436.093. CONSUMPTION ADVISORY FOR MERCURY.

1-30 (a) Annually, the executive commissioner of the Health and Human
1-31 Services Commission shall issue or update consumption advisories
1-32 for fish, crustaceans, molluscan shellfish, and other aquatic or
1-33 terrestrial animals living in or near bodies of water in or
1-34 bordering on this state if the surveys under Section 436.092
1-35 indicate that levels of methyl mercury in the tissues of fish or
1-36 other animals that are consumed by the public equal or exceed 0.3
1-37 mg/kg.

1-38 (b) The executive commissioner of the Health and Human
1-39 Services Commission may issue a consumption advisory if the survey
1-40 shows levels of methyl mercury lower than 0.3 mg/kg if the executive
1-41 commissioner determines that the risks of consumption of the animal
1-42 require an advisory.

1-43 (c) A consumption advisory must distinguish:

1-44 (1) risks related to particular fish or other animal
1-45 species; and

1-46 (2) risks to sensitive or at-risk populations, such as
1-47 children.

1-48 (d) The executive commissioner of the Health and Human
1-49 Services Commission shall, in consultation with the Parks and
1-50 Wildlife Commission and other state or federal agencies, post
1-51 consumption advisories:

1-52 (1) on the Internet website of the department;

1-53 (2) at any public body of water that is the subject of
1-54 an advisory; and

1-55 (3) through any other means of public notification
1-56 that the executive commissioner determines appropriate.

1-57 (e) The department shall provide on its Internet website a
1-58 map of public bodies of water in this state for which a consumption
1-59 advisory or a consumption ban has been issued.

1-60 (f) The department shall provide on its Internet website
1-61 information advising the public of the risks of consuming fish or
1-62 other animals covered by a consumption advisory under this section.

1-63 (g) The department may use its Internet website or other

2-1 means to educate the public about the risks of consumption of fish
2-2 or other animals with elevated levels of mercury or mercury
2-3 compounds.

2-4 SECTION 2. Notwithstanding Sections 436.092 and 436.093,
2-5 Health and Safety Code, as added by this Act, a consumption advisory
2-6 is not required to be issued before February 1, 2010.

2-7 SECTION 3. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2009.

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