

1-1 By: Deuell S.B. No. 506
1-2 (In the Senate - Filed February 2, 2011; February 17, 2011,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 21, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 3;
1-6 April 21, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 506 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 shall rely on
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 the department to determine
1-22 whether to issue a consumption advisory under Section 436.093.

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

1-37 (b) The director may issue a consumption advisory if the
1-38 survey shows levels lower than 0.3 mg/kg if the director determines
1-39 that the risks of consumption of the animal require an advisory.

1-40 (c) A consumption advisory must distinguish:

1-41 (1) risks related to particular fish or other animal
1-42 species; and

1-43 (2) risks to sensitive or at-risk populations, such as
1-44 children.

1-45 (d) The director shall, in consultation with the Texas Parks
1-46 and Wildlife Commission and other state or federal agencies, post
1-47 consumption advisories:

1-48 (1) on the Internet website of the department; and

1-49 (2) through any other means of public notification
1-50 that the director determines appropriate.

1-51 (e) In consultation with the department and subject to
1-52 adequate funds, the Parks and Wildlife Commission shall post a
1-53 consumption advisory at each public body of water that is the
1-54 subject of an advisory.

1-55 (f) The department shall provide on its Internet website a
1-56 map of public bodies of water in this state for which a consumption
1-57 advisory or a consumption ban has been issued.

1-58 (g) The department shall provide on its Internet website
1-59 information advising the public of the risks of consuming fish or
1-60 other animals covered by a consumption advisory under this section.

1-61 (h) The department may use its Internet website or other
1-62 means to educate the public about the risks of consumption of fish
1-63 or other animals with elevated levels of mercury or mercury

2-1 compounds.

2-2 SECTION 2. Notwithstanding Sections 436.092 and 436.093,
2-3 Health and Safety Code, as added by this Act, a consumption advisory
2-4 is not required to be issued before February 1, 2012.

2-5 SECTION 3. This Act takes effect immediately if it receives
2-6 a vote of two-thirds of all the members elected to each house, as
2-7 provided by Section 39, Article III, Texas Constitution. If this
2-8 Act does not receive the vote necessary for immediate effect, this
2-9 Act takes effect September 1, 2011.

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