A BILL TO BE ENTITLED
AN ACT
relating to a requirement that the operator of an oil or gas well on which a hydraulic fracturing treatment is to be performed mail a list of the chemicals to be used in the treatment to persons residing near the well.

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

SECTION 1. The heading to Section 91.851, Natural Resources Code, is amended to read as follows:

Sec. 91.851. PUBLIC DISCLOSURE OF COMPOSITION OF HYDRAULIC FRACTURING FLUIDS FOLLOWING PERFORMANCE OF HYDRAULIC FRACTURING TREATMENT.

SECTION 2. Subchapter S, Chapter 91, Natural Resources Code, is amended by adding Section 91.852 to read as follows:

Sec. 91.852. DISCLOSURE TO NEARBY RESIDENTS OF CHEMICAL INGREDIENTS ANTICIPATED TO BE USED IN HYDRAULIC FRACTURING TREATMENT. (a) The commission by rule shall require an operator of a well on which a hydraulic fracturing treatment is to be performed to mail to each person residing within 500 feet of the well a list of the chemical ingredients that the operator:

(1) anticipates will be used in the hydraulic fracturing treatment; and

(2) is required to disclose to the commission under Section 91.851.

(b) The rules adopted under this section must:
(1) require the notice to be mailed not later than the 30th day before the date the hydraulic fracturing treatment begins; and

(2) prescribe a process by which:

(A) the operator may withhold and declare the identity of a chemical ingredient anticipated to be used in the hydraulic fracturing treatment as a trade secret; and

(B) a person to whom the notice is required to be mailed may challenge a claim by the operator of entitlement to trade secret protection under Paragraph (A).

SECTION 3. Section 91.852, Natural Resources Code, as added by this Act, applies only to a hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued on or after the date the rules adopted by the Railroad Commission of Texas under that section take effect. A hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued before the date the rules take effect is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. The Railroad Commission of Texas shall adopt rules under Section 91.852, Natural Resources Code, as added by this Act, not later than December 1, 2013.

SECTION 5. This Act takes effect September 1, 2013.