

BILL ANALYSIS

Senate Research Center

H.B. 681
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mercury is a neurotoxin 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 U.S. Environmental Protection Agency (EPA) estimates that in the United States 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; some species retain higher amounts than others. Certain fish and shellfish are known to consistently contain levels of mercury far in excess of acceptable EPA guidelines, including shark, swordfish, king mackerel, and tilefish.

Currently, there are no laws governing how mercury-contaminated fish are sold at retail. Consumers cannot be expected to know the mercury level of fish they are purchasing. It is important to offer information to consumers so that they can make responsible decisions for themselves and for their families.

H.B. 681 amends current law relating to requiring warning signs regarding mercury levels in certain fish.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Health in SECTION 1 (Section 437.022, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 437, Health and Safety Code, by adding Section 437.022, as follows:

Sec. 437.022. WARNING SIGN REGARDING MERCURY LEVELS IN CERTAIN FISH. (a) Requires a retail fish dealer to post a warning sign in a conspicuous location where it is readily visible by persons purchasing fresh or previously frozen fish. Requires the Texas Department of Health (TDH) by rule to specify the size and graphic design of the sign. Sets forth the required wording of the sign.

(b) Requires TDH to adopt rules to administer this section.

SECTION 2. Effective date: September 1, 2009.