



**House Ports, Waterways & Intermodal Transit  
Reported Substitute for HB297**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to consumption of fishes; to require the State Health Officer to issue advisories concerning fish consumption and to establish a panel to advise on and discuss this issue; to require the Department of Environmental Management to test fishes for pollutants and post signage at water bodies notifying of an active fish consumption advisory; to require the Department of Conservation and Natural Resources to notify fish license purchasers of all active advisories.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Safe and Healthy Outdoor Recreation Act of 2023.

Section 2. The Legislature finds and declares the following:

(1) That outdoor recreation, including catching, cooking, and eating fish is a fundamental way of life for countless residents of this state.

(2) That all Alabamians should have the right to know whether it is safe to consume the fish they catch.

(3) That outdoor recreation-related illnesses stemming from contact with polluted waters and contaminated fish pose a



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29 severe public health risk to the people of Alabama.

30 ~~(4) That persons who legally discharge pollutants into~~  
31 ~~state waters owe a duty to the public to provide a clear and~~  
32 ~~concise notification of where such discharge points are~~  
33 ~~located.~~

34 Section 3. (a) The State Health Officer, in  
35 consultation with the Director of the Alabama Department of  
36 Environmental Management, shall issue a fish consumption  
37 advisory when it is reasonable and necessary to protect public  
38 health and well-being. The Alabama Department of Public Health  
39 shall publish the advisory on its website in a clear and  
40 concise manner and maintain a dedicated telephone number to  
41 provide information related to the advisory.

42 (b) The State Health Officer shall establish an  
43 advisory panel to analyze, develop, and implement the fish  
44 consumption advisory program. The panel shall consist of, in a  
45 number to be determined by the State Health Officer,  
46 representatives from the Alabama Department of Public Health,  
47 the Alabama Department of Environmental Management, the  
48 Department of Conservation and Natural Resources, and any  
49 other agency, business, nongovernmental organization, or  
50 individual the State Health Officer determines appropriate.  
51 The panel shall meet at least annually and consider tissue  
52 sampling methodologies, water bodies, and fish species to be  
53 sampled, pollutant toxicity limits, strategies for  
54 communicating consumption advisories to the public, and any  
55 other subjects relevant to the program.

56 Section 4. The Alabama Department of Environmental



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57 Management, in consultation with the Alabama Department of  
58 Public Health, shall conduct regular fish tissue monitoring to  
59 evaluate safe consumption levels of fish species. The Alabama  
60 Department of Environmental Management shall annually publish  
61 a report on its website, which shall be made available for  
62 public comment, detailing and identifying the methodology and  
63 reasoning for evaluating the species and pollutants chosen.

64 Section 5. The Alabama Department of Environmental  
65 Management shall post signage at any public boat ramp ~~or~~  
66 ~~fishing area~~ adjacent to state waters with an active fish  
67 consumption advisory notifying the public of this fact. The  
68 signage shall include ~~a picture and the common name of each~~  
69 ~~fish species with an active advisory, the recommended~~  
70 ~~consumption levels for humans of these species, a specific~~  
71 ~~warning for pregnant or nursing women, and an Internet address~~  
72 ~~and telephone number from which to obtain additional~~  
73 ~~information~~ a telephone number for the department, an Internet  
74 address, and quick responses code for a website from which to  
75 obtain information about fish consumption advisories, water  
76 quality, and water discharge permits. The Alabama Department  
77 of Environmental Management may work with other state  
78 agencies, political subdivisions of the state, nongovernmental  
79 organizations, private corporations, or any other organization  
80 to implement this subsection.

81 Section 6. The Department of Conservation and Natural  
82 Resources shall, with each issuance of an electronic fishing  
83 license, notify the licensee of current fish consumption  
84 advisories by providing an Internet address to access all



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85 active advisories online.

86 Section 7. ~~(a) Each holder of a National Pollution~~  
87 ~~Discharge Elimination System permit as required by Chapter~~  
88 ~~335-6-6 of the Alabama Administrative Code shall post signage~~  
89 ~~within a reasonable distance from each discharge point~~  
90 ~~identifying the pollution outfall into the receiving state~~  
91 ~~waters. The signage shall include the permit number, the name~~  
92 ~~of the permit holder, the names of the pollutants being~~  
93 ~~discharged, how to obtain more information, and any other~~  
94 ~~information that the Director of the Alabama Department of~~  
95 ~~Environmental Management deems necessary. The signage shall be~~  
96 ~~visible and legible to those on or near the receiving waters.~~  
97 ~~A good faith, documented effort by the permit holder to~~  
98 ~~maintain the signage shall serve as an affirmative defense for~~  
99 ~~its absence.~~

100 ~~(b) Any holder of a permit issued, modified, or renewed~~  
101 ~~on or after the effective date of this act shall comply with~~  
102 ~~this section immediately. Each existing permit holder shall~~  
103 ~~comply with this section within 90 days after the effective~~  
104 ~~date of this act.~~

105 ~~(c) A permit holder is exempt from this section if~~  
106 ~~compliance would be inconsistent with any other state or~~  
107 ~~federal law.~~

108 Section 8. This act shall become effective immediately  
109 following its passage and approval by the Governor, or its  
110 otherwise becoming law.