

SB105 ENGROSSED



1 MT3BHW-2
2 By Senators Coleman-Madison, Smitherman, Jones, Hatcher,
3 Stewart
4 RFD: Healthcare
5 First Read: 21-Mar-23
6 2023 Regular Session



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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 Alabama Department of Environmental Management to test fishes for pollutants and post signage at water bodies notifying of an active fish consumption advisory; and 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 Section 3. (a) The State Health Officer, in
31 consultation with the Director of the Alabama Department of
32 Environmental Management, shall issue a fish consumption
33 advisory when it is reasonable and necessary to protect public
34 health and well-being. The Alabama Department of Public Health
35 shall publish the advisory on its website in a clear and
36 concise manner and maintain a dedicated telephone number to
37 provide information related to the advisory.

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

52 Section 4. The Alabama Department of Environmental
53 Management, in consultation with the Alabama Department of
54 Public Health, shall conduct regular fish tissue monitoring to
55 evaluate safe consumption levels of fish species. The Alabama
56 Department of Environmental Management shall annually publish



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57 a report on its website, which shall be made available for
58 public comment, detailing and identifying the methodology and
59 reasoning for evaluating the species and pollutants chosen.

60 Section 5. The Alabama Department of Environmental
61 Management shall post signage at any public boat ramp adjacent
62 to state waters with an active fish consumption advisory
63 notifying the public of this fact. The signage shall include a
64 telephone number for the department, an Internet address, and
65 a quick response code for a website from which to obtain
66 information about fish consumption advisories, water quality,
67 and water discharge permits. The Alabama Department of
68 Environmental Management may consult with other state
69 agencies, political subdivisions of the state, nongovernmental
70 organizations, private corporations, or any other organization
71 to implement this subsection.

72 Section 6. The Department of Conservation and Natural
73 Resources, with each issuance of an electronic fishing
74 license, shall notify the licensee of current fish consumption
75 advisories by providing an Internet address to access all
76 active advisories online.

77 Section 7. This act shall become effective immediately
78 following its passage and approval by the Governor, or its
79 otherwise becoming law.



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82 Senate

83 Read for the first time and referred21-Mar-23
84 to the Senate committee on
85 Healthcare
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87 Read for the second time and placed03-May-23
88 on the calendar:
89 0 amendments
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91 Read for the third time and passed24-May-23
92 as amended
93 Yeas 33
94 Nays 0
95 Abstains 0
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Patrick Harris,
Secretary.

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