

By Senator Bullard

39-443-06

1 A bill to be entitled
2 An act relating to fish consumption and health;
3 creating s. 402.44, F.S.; providing
4 definitions; requiring the Department of
5 Health, in consultation with the Department of
6 Environmental Protection and the Fish and
7 Wildlife Conservation Commission, to create and
8 distribute information concerning fish
9 consumption and health to women of childbearing
10 age; requiring that the Department of Health
11 develop a brochure for each county in the state
12 and a poster; requiring that the brochures and
13 poster be periodically updated; required that
14 the department develop, implement, and update
15 an outreach plan to inform women of
16 childbearing age about fish consumption and
17 health; specifying activities to be included in
18 the outreach plan; creating s. 402.442, F.S.;
19 providing definitions; requiring the Department
20 of Health, in consultation with the Department
21 of Environmental Protection and the Fish and
22 Wildlife Conservation Commission, to identify
23 sensitive populations and inform them about
24 fish consumption and health; requiring that the
25 Department of Health develop, implement, and
26 update a plan for providing such information;
27 specifying activities to be included in the
28 plan; providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 402.44, Florida Statutes, is
2 created to read:

3 402.44 Notice concerning fish consumption to women of
4 childbearing age.--

5 (1) As used in this section, the term:

6 (a) "Department" means the Department of Health.

7 (b) "Women of childbearing age" means women who are
8 pregnant, nursing, or who may become pregnant.

9 (2) The department, in consultation with the
10 Department of Environmental Protection and the Fish and
11 Wildlife Conservation Commission, shall create and update
12 brochures containing county-specific data which are designed
13 to inform women of childbearing age about fish consumption and
14 health. The department shall create a separate brochure for
15 each county in the state which must contain information
16 concerning fish caught in the waterbodies of that county and
17 fish purchased commercially. The first set of brochures must
18 be created on or before February 1, 2007. Updated sets of
19 brochures must be created on or before February 1, 2009, and
20 thereafter on February 1 of each odd-numbered year. The
21 brochures must:

22 (a) Be printed in English, Spanish, and Creole.

23 (b) Use text and format that is easily read and be,
24 when unfolded, no larger than 8 and one-half inches by 15
25 inches.

26 (c) Include, at a minimum, as regards to women of
27 childbearing age and children, information concerning:

28 1. The health benefits of fish consumption.

29 2. The health risks of fish consumption.

30 3. The type and amounts of fish which may be consumed
31 safely in order to prevent harm to the health of such women or

1 to the growth and development of a fetus, baby, or child from
2 consumption of fish that are bought or caught in that county.

3 4. How to contact the department or other reliable
4 sources for additional information concerning fish
5 consumption.

6 (3) The department, in consultation with the
7 Department of Environmental Protection and the Fish and
8 Wildlife Conservation Commission, shall create and regularly
9 update a poster containing statewide data which is designed to
10 inform women of childbearing age about fish consumption and
11 health. The poster must contain information concerning fish
12 caught in the waterbodies of this state and fish purchased
13 commercially. The first poster must be created on or before
14 February 1, 2007. An updated poster must be created on or
15 before February 1, 2009, and thereafter on or before February
16 1 of each odd-numbered year. The poster must:

17 (a) Be printed in English, Spanish, and Creole.

18 (b) Use text of a conspicuous size in a format that is
19 easily read and be 16 square inches or larger in size.

20 (c) Include, at a minimum, as regards to women of
21 childbearing age and children, information concerning:

22 1. The health benefits of fish consumption.

23 2. The health risks of fish consumption.

24 3. The type and amounts of fish which may be consumed
25 safely in order to prevent harm to the health of such women or
26 to the growth and development of a fetus, baby, or child from
27 consumption of fish that are bought or caught in this state.

28 4. How to contact the department or other reliable
29 sources for additional information concerning fish
30 consumption.

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1 (4) The department, in consultation with the
2 Department of Environmental Protection and the Fish and
3 Wildlife Conservation Commission, shall develop, implement,
4 and update a written outreach plan to inform women of
5 childbearing age about fish consumption and health. The plan
6 must include, but need not be limited to:

7 (a) Postings on the websites of the department, the
8 Department of Environmental Protection, and the Fish and
9 Wildlife Conservation Commission and postings that create
10 electronic links to such websites from websites of other
11 entities.

12 (b) Identification of the persons to whom the efforts
13 in distributing information shall be directed, including, but
14 not limited to, persons who catch, sell, purchase, or consume
15 fish and persons who provide medical care to women of
16 childbearing age or children.

17 (c) Activities to distribute the brochure and poster
18 created pursuant to subsections (2) and (3) to the persons
19 identified under paragraph (b), which activities include, but
20 need not be limited to, mailing copies of the current version
21 of the brochure for each respective county and the statewide
22 poster on or before March 1 of each year, along with a letter,
23 to:

24 1. The health department of each county.

25 2. Primary health care providers for women of
26 childbearing age in each county, including, but not limited
27 to, obstetricians, pediatricians, and Medicaid or Medicare
28 providers.

29 3. Administrators of the Woman and Infant Children
30 (WIC) program for each county.

31 4. Businesses where fish are sold in each county.

1 5. Businesses where fish bait and tackle are sold in
2 each county.

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4 The letter must request the recipient to display the poster
5 and distribute the brochure to women of childbearing age and
6 must explain how the recipient may obtain additional posters
7 or brochures.

8 (d) Followup surveys to evaluate the effectiveness of
9 the outreach plan in reaching persons identified under
10 paragraph (b).

11 Section 2. Section 402.442, Florida Statutes, is
12 created to read:

13 402.442 Notice to sensitive populations concerning
14 fish consumption.--

15 (1) As used in this section, the term:

16 (a) "Department" means the Department of Health.

17 (b) "Sensitive population" means a group of persons
18 who consume fish in this state and are, because of physical,
19 biological, or behavioral characteristics, more susceptible
20 than the general population to the adverse health effects from
21 exposure to mercury in fish. The term includes, but is not
22 limited to, children who are 15 years old or younger,
23 subsistence fishers and their families, and commercial fishers
24 and their families. The term does not include the women of
25 childbearing age as defined in s. 407.44(1).

26 (2) The department, in consultation with the
27 Department of Environmental Protection and the Fish and
28 Wildlife Conservation Commission, shall identify each
29 sensitive population and, for each sensitive population
30 identified, develop and implement a written plan to inform
31 that population concerning:

- 1 (a) The health benefits of fish consumption.
2 (b) The health risks of fish consumption.
3 (c) The type and amounts of fish which may be consumed
4 safely in order to prevent harm to the health of such
5 population from consumption of fish that are bought or caught
6 in this state.
7 (d) How to contact the department or other reliable
8 sources for additional information concerning fish
9 consumption.
10 (3) The first plan must be created on or before
11 February 1, 2008. An updated plan must be created on or
12 before February 1, 2010, and thereafter on or before February
13 1 of each even-numbered year. Each plan must provide for:
14 (a) Creation of educational information, including,
15 but not limited to, brochures, posters, or other documents in
16 the language used by the sensitive population to whom the
17 educational information is directed.
18 (b) Distribution of educational information through
19 the Internet and by mailings to persons identified under
20 paragraph (c).
21 (c) Identification of the persons to whom the efforts
22 in distributing educational information shall be directed,
23 including, but not limited to, the sensitive population and
24 persons who provide goods or services to the sensitive
25 population.
26 (d) Followup surveys to evaluate the effectiveness of
27 the plan in reaching persons identified under paragraph (c).

28 Section 3. This act shall take effect July 1, 2006.
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SENATE SUMMARY

Provides for the creation and distribution of information concerning fish consumption and health to women of childbearing age by the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission. Directs those agencies to identify sensitive populations and inform them about fish consumption and health.