



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4848**

Introduced 1/19/2006, by Rep. Harry Osterman - Barbara Flynn  
Currie - Robin Kelly - Karen May

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Fish and Shellfish Advisory Act. Requires commercial food markets selling fish and shellfish and employing more than 10 persons to post a warning concerning the dangers of mercury in fish and shellfish and recommendations to reduce exposure to mercury. Requires local health departments to inspect commercial food markets and report violations of the Act to the Illinois Department of Public Health. Requires the Department to impose an administrative fine for violations and to distribute the administrative fine to the local health department notifying the Department of the violation and the Autism Research Checkoff Fund. Requires the Department to adopt rules. Effective July 1, 2006.

LRB094 18698 LJB 54062 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Fish  
5 and Shellfish Advisory Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds that:

8 (1) Mercury is a persistent and toxic pollutant that  
9 bioaccumulates in the environment.

10 (2) The Food and Drug Administration (FDA) and the United  
11 States Environmental Protection Agency (EPA) have found that  
12 mercury is a naturally occurring element in the environment and  
13 is also released into the air through industrial pollution.  
14 Mercury that falls from the air can accumulate in streams and  
15 oceans. Bacteria in the water causes chemical changes that  
16 transform mercury into methylmercury. Fish absorb the  
17 methylmercury as they feed in these waters. Methylmercury  
18 builds up more in some fish than in others depending on what  
19 they eat, how long they live, and how high up the food chain  
20 they are.

21 (3) The Illinois Department of Public Health recognizes  
22 that the developing nervous systems of fetuses and children  
23 could be damaged if exposed to even small amounts of  
24 methylmercury. At high doses, methylmercury can affect the  
25 central nervous system, causing such health problems as memory  
26 loss and slurred speech, and can cause kidney damage and  
27 failure and gastrointestinal damage. The possible health  
28 effects depend on how much methylmercury is stored in the fish  
29 and how much fish is eaten over a period of time. Based on the  
30 amounts of methylmercury detected in predator sport fish in  
31 Illinois, it is unlikely that people would experience adverse  
32 health effects associated with exposure to high doses.

1 (4) Forty-one states, including Illinois, have issued fish  
2 advisories that warn certain individuals to restrict or avoid  
3 consuming fish from bodies of water contaminated with mercury.

4 (5) The FDA and EPA recommend that if you are pregnant,  
5 planning to be pregnant, or a young child, you should not eat  
6 shark, swordfish, king mackerel, or tilefish because they  
7 contain high levels of mercury.

8 (6) The FDA and EPA recommend that if you are pregnant,  
9 planning to be pregnant, or a young child, you should eat up to  
10 12 ounces (2 average meals) a week of a variety of fish and  
11 shellfish that are lower in mercury.

12 (7) The FDA and EPA recognize that 5 commonly eaten fish  
13 that are low in mercury are shrimp, canned light tuna, salmon,  
14 pollock, and catfish and that another commonly eaten fish,  
15 albacore ("white") tuna, has more mercury than canned light  
16 tuna and should only be eaten in amounts of 6 ounces (one  
17 average meal) per week.

18 Section 10. Notice to consumers required. Commercial food  
19 markets that sell fish or shellfish and employ 10 or more  
20 persons shall post a notice warning of mercury in fish and  
21 shellfish. The notice shall be clearly visible to the public  
22 with the word "WARNING" in capital letters at the top of the  
23 notice and shall contain the following provisions:

24 "Fish and shellfish are important parts of a healthy and  
25 balanced diet. They are good sources of high quality protein  
26 and other nutrients. However, depending on the amount and type  
27 of fish you consume, it may be prudent to modify your diet if  
28 you are pregnant, planning to become pregnant, nursing, or a  
29 young child. With a few simple adjustments, you can continue to  
30 enjoy these foods in a manner that is healthy and beneficial  
31 and reduce your unborn or young child's exposure to the harmful  
32 effects of mercury at the same time.

33 By following these 3 recommendations for selecting and  
34 eating fish or shellfish, women and young children will receive  
35 the benefits of eating fish and shellfish and be confident that

1 they have reduced their exposure to the harmful effects of  
2 mercury.

3 (1) Do not eat Shark, Swordfish, King Mackerel, or  
4 Tilefish because they contain high levels of mercury.

5 (2) Eat up to 12 ounces (2 average meals) a week of a  
6 variety of fish and shellfish that are lower in mercury.

7 Five of the most commonly eaten fish that are low  
8 in mercury are shrimp, canned light tuna, salmon,  
9 pollock, and catfish.

10 Another commonly eaten fish, albacore ("white")  
11 tuna, has more mercury than canned light tuna. So, when  
12 choosing your two meals of fish and shellfish, you may  
13 eat up to 6 ounces (one average meal) of albacore tuna  
14 per week.

15 (3) Check local advisories about the safety of fish  
16 caught by family and friends in your local lakes, rivers,  
17 and coastal areas. If no advice is available, eat up to 6  
18 ounces (one average meal) per week of fish you catch from  
19 local waters, but don't consume any other fish during that  
20 week.".

21 Section 15. Inspection; administrative fine.

22 (a) Local health departments shall inspect commercial food  
23 markets required to post a warning notice in accordance with  
24 this Act. If the commercial food market has not posted a  
25 warning notice that complies with the requirements of Section  
26 10 of this Act, the local health department shall notify the  
27 Illinois Department of Public Health.

28 (b) The Illinois Department of Public Health shall impose  
29 an administrative fine of \$250 for a first violation of this  
30 Act, \$500 for a second violation, and \$1,000 for a third or  
31 subsequent violation. Each time a local health department  
32 determines, after an inspection, that a warning notice has not  
33 been posted by a commercial food market in accordance with this  
34 Act is a separate violation.

35 (c) An administrative fine collected pursuant to this

1 Section shall be allocated as follows:

2 (1) One-half of the administrative fine shall be  
3 distributed to the local health department notifying the  
4 Illinois Department of Public Health of the violation.

5 (2) One-half of the administrative fine shall be  
6 deposited into the Autism Research Checkoff Fund.

7 (d) The Attorney General may bring an action in the circuit  
8 court to enforce the collection of any administrative fine  
9 imposed under this Section.

10 Section 20. Rules. The Illinois Department of Public Health  
11 shall adopt rules for the implementation and enforcement of  
12 this Act.

13 Section 99. Effective date. This Act takes effect July 1,  
14 2006.