

HOUSE BILL 466

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M3

2002 Regular Session
(2r0132)

ENROLLED BILL

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Chairman, Environmental Matters Committee (Departmental - Environment)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 222

1 AN ACT concerning

2 **Dental Facilities - Radiation Monitoring and Regulation - Fees**

3 FOR the purpose of altering for certain years the limits on fees established by
4 regulation by the Secretary of the Environment to offset the costs of monitoring
5 and regulating sources of radiation within dental offices and dental facilities;
6 *requiring the Secretary to reduce fees proportionately to reflect the balance of any*
7 *unspent or unencumbered fees collected in the previous fiscal year; and requiring*
8 *that any unspent and unencumbered fees revert to the General Fund; providing*
9 *for the effective date of this Act; and providing for the termination of this Act*
10 *and generally relating to the establishment of fees for the monitoring and*
11 *regulation of sources of radiation in dental offices and dental facilities.*

12 BY repealing and reenacting, with amendments,
13 Article - Environment
14 Section 8-301
15 Annotated Code of Maryland

1 (1996 Replacement Volume and 2001 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Environment**

5 8-301.

6 (a) (1) Subject to Subtitle 4 of this title, the Secretary shall adopt rules and
7 regulations for general licenses and specific licenses that govern:

8 (i) Ionizing radiation sources and byproduct material;

9 (ii) Special nuclear material; and

10 (iii) Devices that use ionizing radiation sources, byproduct material,
11 or special nuclear material.

12 (2) The rules and regulations shall provide for:

13 (i) The issuance, amendment, suspension, or revocation of general
14 licenses and specific licenses;

15 (ii) The registration of ionizing radiation sources for which a
16 general license or specific license is not required; and

17 (iii) Based on the kinds and amounts of radioactive material subject
18 to specific licenses, the establishment of financial plans to ensure the
19 decommissioning of facilities operating under those licenses and a timetable for the
20 submission of the plans to the Department.

21 (3) The amount of funding assurance required under a financial plan
22 established under paragraph (2)(iii) of this subsection may not exceed the amount
23 specified in the comparable federal regulations promulgated by the U.S. Nuclear
24 Regulatory Agency as amended from time to time.

25 (b) (1) The Secretary may adopt rules and regulations that:

26 (i) Require registration by persons granted a general license;

27 (ii) Subject to any registration requirements the Secretary requires,
28 recognize licenses issued by the federal government or any other state; and

29 (iii) Except as otherwise provided in subsections (c) and (d) of this
30 section, based on the anticipated cost of monitoring and regulating sources of
31 radiation, establish a fee schedule for general licenses, specific licenses, and the
32 registration of radiation machines or other sources of radiation issued under this
33 section.

1 (2) If the Secretary finds that allowing the exemptions will not
 2 constitute a significant risk to the health and safety of the public, the Secretary may
 3 adopt rules and regulations that exempt from the licensing or registration
 4 requirements of this section:

- 5 (i) Specific sources of ionizing radiation;
- 6 (ii) Specific kinds of uses of ionizing radiation; and
- 7 (iii) Specific kinds of users of ionizing radiation.

8 (3) In adopting the regulations under paragraph (1)(iii) of this
 9 subsection, the Department shall consult with the regulated profession or industry to
 10 determine that the license fee is reasonable and directly related to the actual cost of
 11 the licensing and regulatory activity.

12 (c) (1) For a dental office or dental facility operated by a licensed dentist, a
 13 partnership of licensed dentists, a professional association of licensed dentists, or a
 14 public health dental facility, the Secretary may adopt regulations that establish a fee
 15 to offset the costs of monitoring and regulating sources of radiation within that dental
 16 facility.

17 (2) Except as provided in ~~paragraph (3)~~ PARAGRAPHS (3) AND (4) }
 18 ~~PARAGRAPHS (3) AND (4)~~ of this subsection, the fees established under this subsection
 19 may not exceed:

20 (i) [For the first 3 years beginning July 1, 1991, \$30 per dental
 21 radiation machine per year; and

22 (ii) After June 30, 1994, \$40 per dental radiation machine per
 23 year] FOR THE FIRST 2 YEARS BEGINNING JULY 1, 2002, \$60 PER DENTAL RADIATION
 24 MACHINE PER YEAR;

25 (II) FROM JUNE 30, 2004, THROUGH JUNE 30, 2006, INCLUSIVE, \$70
 26 PER DENTAL RADIATION MACHINE PER YEAR; AND

27 ~~(III) AFTER JUNE 30, 2006, \$80 PER DENTAL RADIATION MACHINE~~
 28 ~~PER YEAR.~~

29 ~~(3) UNTIL JULY 1, 2010, THE DEPARTMENT MAY NOT INCREASE THE~~
 30 ~~FEES ESTABLISHED UNDER THIS SUBSECTION ABOVE \$80 PER DENTAL RADIATION~~
 31 ~~MACHINE PER YEAR.~~

32 ~~(III) 1. FROM AFTER JUNE 30, 2006, THROUGH AT LEAST JUNE 30,~~
 33 ~~2010, \$80 PER DENTAL RADIATION MACHINE PER YEAR; AND~~

34 ~~2. AFTER JUNE 30, 2010, THE FEE PER DENTAL RADIATION~~
 35 ~~MACHINE SHALL CONTINUE TO BE \$80 PER YEAR UNLESS ALTERED BY THE GENERAL~~
 36 ~~ASSEMBLY.~~

1 (3) THE SECRETARY SHALL REDUCE FEES PROPORTIONATELY TO
 2 REFLECT THE BALANCE OF ANY UNSPENT OR UNENCUMBERED FEES COLLECTED
 3 UNDER THIS SUBSECTION IN THE PREVIOUS FISCAL YEAR.

4 ~~{(3)}~~ (4) (4) If a dental radiation machine is not inspected within any
 5 3-year period and all annual fees were paid during that 3-year period, an additional
 6 annual inspection fee is not required to be paid until a dental radiation machine
 7 inspection is performed by a State inspector.

8 ~~{(4)}~~ (5) (5) (i) Except as provided in subparagraph (ii) of this
 9 paragraph, inspection of the dental radiation machines at each dental office or facility
 10 may not be performed more than once every 3 years.

11 (ii) Inspection of the dental radiation machines at a dental office or
 12 facility may be performed more than once every 3 years if the Department has
 13 grounds to believe that:

14 1. A violation of this title or any rule, regulation, order,
 15 registration, certificate, or license adopted or issued under this title may exist; or

16 2. A hazard associated with the use of radiation may exist.

17 (5) ~~AT THE END OF A FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED~~
 18 ~~FEES COLLECTED UNDER THIS SUBSECTION SHALL REVERT TO THE GENERAL FUND~~
 19 ~~OF THE STATE, IN ACCORDANCE WITH §§ 7-302 AND 7-303 OF THE STATE FINANCE~~
 20 ~~AND PROCUREMENT ARTICLE.~~

21 (d) The provisions of subsections (b) and (c) of this section relating to fees for
 22 monitoring and regulating sources of radiation do not apply to a dental school
 23 accredited by the Commission on Dental Accreditation of the American Dental
 24 Association.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
 26 ~~effect July January 1, 2002 2003. It shall remain effective for a period of 3 years and,~~
 27 ~~at the end of December 31, 2006, with no further action required by the General~~
 28 ~~Assembly, this Act shall be abrogated and of no further force and effect. effect July 1,~~
 29 ~~2002.~~