

HOUSE BILL 1339

M3

6lr1081
CF SB 717

By: **Delegate K. Young**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Radiation Machines – Registration Fees and Inspections**

3 FOR the purpose of requiring the Department of the Environment to adopt certain
4 regulations for licensing and registration associated with radiation machines;
5 requiring the fee schedule adopted by the Department for the registration of
6 radiation machines and other sources of radiation to be uniform within certain
7 classes of radiation sources; repealing certain provisions of law that, for radiation
8 machines located in certain dental offices or facilities, establish certain maximum
9 registration fees, require the reduction of or exemption from certain fees under
10 certain circumstances, limit the frequency of inspections under certain
11 circumstances, and provide for the remediation of a violation under certain
12 circumstances; repealing a certain exemption from certain fees applicable to certain
13 dental schools; making stylistic changes; and generally relating to registration fees
14 and inspections for radiation machines and other sources of radiation in the State.

15 BY repealing and reenacting, with amendments,
16 Article – Environment
17 Section 8–301
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2015 Supplement)

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

22 **Article – Environment**

23 8–301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Ionizing radiation sources and byproduct material;
- 2 (ii) Special nuclear material; and
- 3 (iii) Devices that use ionizing radiation sources, byproduct material,
4 or special nuclear material.

5 (2) The [rules and] regulations shall provide for:

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

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

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

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

18 (b) (1) The Secretary [may] **SHALL** adopt [rules and] regulations that:

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

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

22 (iii) [Except as otherwise provided in subsections (c) and (d) of this
23 section, based] **BASED** on the anticipated cost of monitoring and regulating sources of
24 radiation, establish [a fee schedule for general licenses, specific licenses, and the
25 registration of radiation machines or other sources of radiation issued under this section]:

26 **1. A FEE SCHEDULE FOR GENERAL AND SPECIFIC**
27 **LICENSES ISSUED UNDER THIS SECTION; AND**

28 **2. UNIFORM FEE SCHEDULES FOR THE REGISTRATION**
29 **OF:**

30 **A. ACCELERATORS; AND**

1 **B. OTHER RADIATION MACHINES OR SOURCES OF**
2 **RADIATION.**

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

6 (i) Specific sources of ionizing radiation;

7 (ii) Specific kinds of uses of ionizing radiation; and

8 (iii) Specific kinds of users of ionizing radiation.

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

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

17 (2) Except as provided in paragraphs (3) and (4) of this subsection, the fees
18 established under this subsection may not exceed:

19 (i) For the first 2 years beginning July 1, 2002, \$60 per dental
20 radiation machine per year;

21 (ii) From June 30, 2004, through June 30, 2006, inclusive, \$70 per
22 dental radiation machine per year; and

23 (iii) 1. After June 30, 2006, through at least June 30, 2010, \$80
24 per dental radiation machine per year; and

25 2. After June 30, 2010, the fee per dental radiation machine
26 shall continue to be \$80 per year unless altered by the General Assembly.

27 (3) The Secretary shall reduce fees proportionately to reflect the balance of
28 any unspent or unencumbered fees collected under this subsection in the previous fiscal
29 year.

30 (4) If a dental radiation machine is not inspected within any 3–year period
31 and all annual fees were paid during that 3–year period, an additional annual inspection
32 fee is not required to be paid until a dental radiation machine inspection is performed by a
33 State inspector.

1 (5) (i) Except as provided in subparagraph (ii) of this paragraph,
2 inspection of the dental radiation machines at each dental office or facility may not be
3 performed more than once every 3 years.

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

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

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

10 (6) (i) If, based on an inspection of a dental radiation machine at a
11 dental office or facility, the State inspector determines that there is a violation of this title
12 and the violation does not present a serious and probable danger to the patients or
13 employees of the dental office or facility, the State inspector shall provide the dental office
14 or facility a written notice:

15 1. Setting forth the nature of the violation and the required
16 corrective action;

17 2. Informing the dental office or facility that the dental office
18 or facility has 20 working days to comply with the corrective action; and

19 3. Informing the dental office or facility of the required
20 procedure to inform the Department that the corrective action has been completed.

21 (ii) If the corrective action is completed within 20 working days in
22 accordance with subparagraph (i) of this paragraph, the Department may not impose a fine
23 on a dental office or dental facility for a violation of this title.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.