

SENATE BILL 1136

M3

EMERGENCY BILL

6lr3807

By: **Senator Eckardt**

Introduced and read first time: March 2, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Regulation of Radiation Sources – Fee – Exemption for Temporary Pro Bono**
3 **Dental Clinics**

4 FOR the purpose of exempting certain temporary pro bono dental clinics from the fee for
5 monitoring and regulating sources of radiation; making this Act an emergency
6 measure; and generally relating to the regulation of radiation sources.

7 BY repealing and reenacting, with amendments,

8 Article – Environment

9 Section 8–301

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2015 Supplement)

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

14 **Article – Environment**

15 8–301.

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

18 (i) Ionizing radiation sources and byproduct material;

19 (ii) Special nuclear material; and

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

24 (i) Specific sources of ionizing radiation;

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

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

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

31 (c) (1) For a dental office or dental facility operated by a licensed dentist, a
32 partnership of licensed dentists, a professional association of licensed dentists, or a public

1 health dental facility, the Secretary may adopt regulations that establish a fee to offset the
2 costs of monitoring and regulating sources of radiation within that dental facility.

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

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

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

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

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

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

16 (4) If a dental radiation machine is not inspected within any 3-year period
17 and all annual fees were paid during that 3-year period, an additional annual inspection
18 fee is not required to be paid until a dental radiation machine inspection is performed by a
19 State inspector.

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

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

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

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

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

