SENATE BILL 1136

EMERGENCY BILL

By: Senator Eckardt Introduced and read first time: March 2, 2016 Assigned to: Rules Re-referred to: Education, Health, and Environmental Affairs, March 10, 2016 Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 18, 2016 CHAPTER AN ACT concerning Regulation of Radiation Sources - Fee - Exemption for Pro Bono Temporary Pro Bono Dental Clinics FOR the purpose of exempting certain temporary pro-bone dental clinics that meet certain requirements from the fee for monitoring and regulating sources of radiation; making this Act an emergency measure; and generally relating to the regulation of radiation sources. BY repealing and reenacting, with amendments, Article – Environment Section 8–301 Annotated Code of Maryland (2013 Replacement Volume and 2015 Supplement)

15 Article - Environment

That the Laws of Maryland read as follows:

16 8-301.

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17 (a) (1) Subject to Subtitle 4 of this title, the Secretary shall adopt rules and 18 regulations for general licenses and specific licenses that govern:

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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1		(i)	Ionizing radiation sources and byproduct material;
2		(ii)	Special nuclear material; and
3 4	or special nuclear	(iii) materi	Devices that use ionizing radiation sources, byproduct material, al.
5	(2)	The r	ules and regulations shall provide for:
6 7	licenses and specif	(i) ïc licer	The issuance, amendment, suspension, or revocation of general uses;
8	license or specific l	(ii) license	The registration of ionizing radiation sources for which a general is not required; and
10 11 12 13			Based on the kinds and amounts of radioactive material subject stablishment of financial plans to ensure the decommissioning of those licenses and a timetable for the submission of the plans to
14 15 16		paragr federa	amount of funding assurance required under a financial plan raph (2)(iii) of this subsection may not exceed the amount specified I regulations promulgated by the U.S. Nuclear Regulatory Agency time.
18	(b) (1)	The S	Secretary may adopt rules and regulations that:
9		(i)	Require registration by persons granted a general license;
20 21	recognize licenses	(ii) issued	Subject to any registration requirements the Secretary requires, by the federal government or any other state; and
22 23 24 25	establish a fee sc	hedule	Except as otherwise provided in subsections (c) and (d) of this ticipated cost of monitoring and regulating sources of radiation, for general licenses, specific licenses, and the registration of her sources of radiation issued under this section.
26 27 28	_	o the h	Secretary finds that allowing the exemptions will not constitute lealth and safety of the public, the Secretary may adopt rules and from the licensing or registration requirements of this section:
29		(i)	Specific sources of ionizing radiation;
30		(ii)	Specific kinds of uses of ionizing radiation; and
31		(iii)	Specific kinds of users of ionizing radiation.

1 (3) In adopting the regulations under paragraph (1)(iii) of this subsection, 2 the Department shall consult with the regulated profession or industry to determine that 3 the license fee is reasonable and directly related to the actual cost of the licensing and 4 regulatory activity.

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- (c) (1) For a dental office or dental facility operated by a licensed dentist, a partnership of licensed dentists, a professional association of licensed dentists, or a public health dental facility, the Secretary may adopt regulations that establish a fee to offset the costs of monitoring and regulating sources of radiation within that dental facility.
- 9 (2) Except as provided in paragraphs (3) and (4) of this subsection, the fees 10 established under this subsection may not exceed:
- 11 (i) For the first 2 years beginning July 1, 2002, \$60 per dental 12 radiation machine per year;
- 13 (ii) From June 30, 2004, through June 30, 2006, inclusive, \$70 per dental radiation machine per year; and
- 15 (iii) 1. After June 30, 2006, through at least June 30, 2010, \$80 16 per dental radiation machine per year; and
- 2. After June 30, 2010, the fee per dental radiation machine shall continue to be \$80 per year unless altered by the General Assembly.
- 19 (3) The Secretary shall reduce fees proportionately to reflect the balance of 20 any unspent or unencumbered fees collected under this subsection in the previous fiscal 21 year.
- 22 (4) If a dental radiation machine is not inspected within any 3-year period 23 and all annual fees were paid during that 3-year period, an additional annual inspection 24 fee is not required to be paid until a dental radiation machine inspection is performed by a 25 State inspector.
- 26 (5) (i) Except as provided in subparagraph (ii) of this paragraph, 27 inspection of the dental radiation machines at each dental office or facility may not be 28 performed more than once every 3 years.
- 29 (ii) Inspection of the dental radiation machines at a dental office or 30 facility may be performed more than once every 3 years if the Department has grounds to 31 believe that:
- 32 1. A violation of this title or any rule, regulation, order, 33 registration, certificate, or license adopted or issued under this title may exist; or
 - 2. A hazard associated with the use of radiation may exist.

1 2 3 4 5	(6) (i) If, based on an inspection of a dental radiation machine at a dental office or facility, the State inspector determines that there is a violation of this title and the violation does not present a serious and probable danger to the patients or employees of the dental office or facility, the State inspector shall provide the dental office or facility a written notice:			
6 7	1. Setting forth the nature of the violation and the required corrective action;			
8 9	2. Informing the dental office or facility that the dental office or facility has 20 working days to comply with the corrective action; and			
10 11	3. Informing the dental office or facility of the required procedure to inform the Department that the corrective action has been completed.			
12 13 14	accordance with subparagraph (i) of this paragraph, the Department may not impose a fine			
15 16	(d) The provisions of subsections (b) and (c) of this section relating to fees for monitoring and regulating sources of radiation do not apply to:			
17 18	(1) [a] A dental school accredited by the Commission on Dental Accreditation of the American Dental Association; OR			
19 20 21 22	(2) AFTER JUNE 30, 2016, A TEMPORARY PRO BONO DENTAL CLINIC THAT TEMPORARY DENTAL CLINIC THAT HOLDS A PERMIT UNDER TITLE 4 OF THE HEALTH OCCUPATIONS ARTICLE, PROVIDES ALL SERVICES ON A PRO BONO BASIS, AND OPERATES LESS FEWER THAN 100 HOURS A YEAR.			
23 24 25 26 27	SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emerger measure, is necessary for the immediate preservation of the public health or safety, he been passed by a yea and nay vote supported by three—fifths of all the members elected each of the two Houses of the General Assembly, and shall take effect from the date it enacted.			
	Approved:			
	Governor.			
	President of the Senate.			

Speaker of the House of Delegates.