
By: **Chairman, Environmental Matters Committee (Departmental - Environment)**

Introduced and read first time: January 30, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

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 BY repealing and reenacting, with amendments,
7 Article - Environment
8 Section 8-301
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 2001 Supplement)

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

13 **Article - Environment**

14 8-301.

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

- 17 (i) Ionizing radiation sources and byproduct material;
18 (ii) Special nuclear material; and
19 (iii) Devices that use ionizing radiation sources, byproduct material,
20 or special nuclear material.

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

- 22 (i) The issuance, amendment, suspension, or revocation of general
23 licenses and specific licenses;

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

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

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

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

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

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

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

20 (2) If the Secretary finds that allowing the exemptions will not
21 constitute a significant risk to the health and safety of the public, the Secretary may
22 adopt rules and regulations that exempt from the licensing or registration
23 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
28 subsection, the Department shall consult with the regulated profession or industry to
29 determine that the license fee is reasonable and directly related to the actual cost of
30 the licensing and 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
33 public health dental facility, the Secretary may adopt regulations that establish a fee
34 to offset the costs of monitoring and regulating sources of radiation within that dental
35 facility.

36 (2) Except as provided in [paragraph (3)] PARAGRAPHS (3) AND (4) of
37 this subsection, the fees established under this subsection may not exceed:

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

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

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

8 (III) AFTER JUNE 30, 2006, \$80 PER DENTAL RADIATION MACHINE
9 PER YEAR.

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

13 [(3)] (4) If a dental radiation machine is not inspected within any 3-year
14 period and all annual fees were paid during that 3-year period, an additional annual
15 inspection fee is not required to be paid until a dental radiation machine inspection is
16 performed by a State inspector.

17 [(4)] (5) (i) Except as provided in subparagraph (ii) of this paragraph,
18 inspection of the dental radiation machines at each dental office or facility may not be
19 performed more than once every 3 years.

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

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

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect July 1, 2002.