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

Introduced and read first time: January 30, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 28, 2002

CHAPTER _____

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 and requiring that any unspent and unencumbered fees revert to the General
7 Fund; providing for the effective date of this Act; and providing for the
8 termination of this Act.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 8-301
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2001 Supplement)

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

16 **Article - Environment**

17 8-301.

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

20 (i) Ionizing radiation sources and byproduct material;

1 (ii) Special nuclear material; and

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

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

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

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

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

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

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

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

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

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

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

30 (i) Specific sources of ionizing radiation;

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

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

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

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

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

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

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

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

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

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

20 ~~(III) 1. FROM JUNE 30, 2006, THROUGH AT LEAST JUNE 30, 2010,~~
 21 ~~\$80 PER DENTAL RADIATION MACHINE PER YEAR; AND~~

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

25 ~~(3)~~ ~~(4)~~ If a dental radiation machine is not inspected within any 3-year
 26 period and all annual fees were paid during that 3-year period, an additional annual
 27 inspection fee is not required to be paid until a dental radiation machine inspection is
 28 performed by a State inspector.

29 ~~(4)~~ ~~(5)~~ (i) Except as provided in subparagraph (ii) of this paragraph,
 30 inspection of the dental radiation machines at each dental office or facility may not be
 31 performed more than once every 3 years.

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

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

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

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

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

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