

HOUSE BILL 798

M3

3lr1526
CF SB 608

By: **Delegate Frush**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Radiation Sources – Podiatry and Chiropractic Radiation**
3 **Machines**

4 FOR the purpose of requiring a State inspector to provide a certain podiatry office or
5 facility or a certain chiropractic office or facility a certain written notice in
6 accordance with certain requirements under certain circumstances; prohibiting
7 the Department of the Environment from imposing a fine on a certain office or
8 facility for a certain violation under certain circumstances; defining a certain
9 term; and generally relating to inspections of podiatry and chiropractic
10 radiation machines.

11 BY repealing and reenacting, without amendments,
12 Article – Environment
13 Section 8–301(a) and (b)
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2012 Supplement)

16 BY adding to
17 Article – Environment
18 Section 8–301(e)
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2012 Supplement)

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

23 **Article – Environment**

24 8–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (i) Ionizing radiation sources and byproduct material;

4 (ii) Special nuclear material; and

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

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

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

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

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

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

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

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

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

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

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

33 (i) Specific sources of ionizing radiation;

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

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

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

7 **(E) (1) IN THIS SUBSECTION, “OFFICE OR FACILITY” MEANS A:**

8 **(I) PODIATRY OFFICE OR FACILITY OPERATED BY A**
9 **LICENSED PODIATRIST, A PARTNERSHIP OF LICENSED PODIATRISTS, OR A**
10 **PROFESSIONAL ASSOCIATION OF LICENSED PODIATRISTS; AND**

11 **(II) CHIROPRACTIC OFFICE OR FACILITY OPERATED BY A**
12 **LICENSED CHIROPRACTOR, A PARTNERSHIP OF LICENSED CHIROPRACTORS, OR**
13 **A PROFESSIONAL ASSOCIATION OF LICENSED CHIROPRACTORS.**

14 **(2) (I) IF, BASED ON AN INSPECTION OF A RADIATION MACHINE**
15 **AT AN OFFICE OR A FACILITY, THE STATE INSPECTOR DETERMINES THAT THERE**
16 **IS A VIOLATION OF THIS TITLE AND THE VIOLATION DOES NOT PRESENT A**
17 **SERIOUS AND PROBABLE DANGER TO THE PATIENTS OR EMPLOYEES OF THE**
18 **OFFICE OR FACILITY, THE STATE INSPECTOR SHALL PROVIDE THE OFFICE OR**
19 **FACILITY A WRITTEN NOTICE:**

20 **1. SETTING FORTH THE NATURE OF THE VIOLATION**
21 **AND THE REQUIRED CORRECTIVE ACTION;**

22 **2. INFORMING THE OFFICE OR FACILITY THAT THE**
23 **OFFICE OR FACILITY HAS 20 WORKING DAYS TO COMPLY WITH THE CORRECTIVE**
24 **ACTION; AND**

25 **3. INFORMING THE OFFICE OR FACILITY OF THE**
26 **REQUIRED PROCEDURE TO INFORM THE DEPARTMENT THAT THE CORRECTIVE**
27 **ACTION HAS BEEN COMPLETED.**

28 **(II) IF THE CORRECTIVE ACTION IS COMPLETED WITHIN 20**
29 **WORKING DAYS IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH,**
30 **THE DEPARTMENT MAY NOT IMPOSE A FINE ON AN OFFICE OR A FACILITY FOR A**
31 **VIOLATION OF THIS TITLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.