

SENATE BILL 717

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6lr3120
CF HB 1339

By: **Senator Young**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Environment – Radiation Machines – Registration Fees ~~and Inspections~~**

3 FOR the purpose of ~~requiring the fee schedule adopted by the Department of the~~
4 ~~Environment for the registration of radiation machines and other sources of~~
5 ~~radiation to be uniform within certain classes of radiation sources~~ requiring the
6 Department of the Environment to adopt certain regulations for licensing and
7 registration associated with radiation machines; requiring the Department to adopt
8 regulations that establish a certain rate for the registration of radiation machines;
9 repealing certain provisions of law that, for radiation machines located in certain
10 dental offices or facilities, establish certain maximum registration fees, require the
11 reduction of or exemption from certain fees under certain circumstances, limit the
12 frequency of inspections under certain circumstances, and provide for the
13 remediation of a violation under certain circumstances; ~~repealing~~ altering a certain
14 exemption from certain fees applicable to certain dental schools; making stylistic
15 changes; and generally relating to registration fees ~~and inspections~~ for radiation
16 machines and other sources of radiation in the State.

17 BY repealing and reenacting, with amendments,

18 Article – Environment

19 Section 8–301

20 Annotated Code of Maryland

21 (2013 Replacement Volume and 2015 Supplement)

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

23 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 **Article – Environment**

2 8–301.

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

5 (i) Ionizing radiation sources and byproduct material;

6 (ii) Special nuclear material; and

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

9 (2) The [rules and] regulations shall provide for:

10 (i) The issuance, amendment, suspension, or revocation of general
11 licenses and specific licenses;12 (ii) The registration of ionizing radiation sources for which a general
13 license or specific license is not required; and14 (iii) Based on the kinds and amounts of radioactive material subject
15 to specific licenses, the establishment of financial plans to ensure the decommissioning of
16 facilities operating under those licenses and a timetable for the submission of the plans to
17 the Department.18 (3) The amount of funding assurance required under a financial plan
19 established under paragraph (2)(iii) of this subsection may not exceed the amount specified
20 in the comparable federal regulations promulgated by the U.S. Nuclear Regulatory Agency
21 as amended from time to time.22 (b) (1) The Secretary ~~may~~ **SHALL** adopt [rules and] regulations that:

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

24 (ii) Subject to any registration requirements the Secretary requires,
25 recognize licenses issued by the federal government or any other state; and26 (iii) [Except as otherwise provided in subsections (c) and (d) of this
27 section, based] **BASED** on the anticipated cost of monitoring and regulating sources of
28 radiation, establish [a fee schedule for general licenses, specific licenses, and the
29 registration of radiation machines or other sources of radiation issued under this section]:

1 **1. A FEE SCHEDULE FOR GENERAL AND SPECIFIC**
2 **LICENSES AND OTHER SOURCES OF RADIATION ISSUED UNDER THIS SECTION; AND**

3 **2. ~~UNIFORM FEE SCHEDULES FOR THE REGISTRATION~~**
4 **~~OF:~~**

5 **~~A. ACCELERATORS; AND~~**

6 **~~B. OTHER RADIATION MACHINES OR SOURCES OF~~**
7 **RADIATION A RATE FOR THE REGISTRATION OF RADIATION MACHINES THAT IS**
8 **UNIFORM ACROSS PROFESSIONS FOR SIMILAR MACHINES.**

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

- 12 (i) Specific sources of ionizing radiation;
- 13 (ii) Specific kinds of uses of ionizing radiation; and
- 14 (iii) Specific kinds of users of ionizing radiation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 1. Setting forth the nature of the violation and the required
23 corrective action;

24 2. Informing the dental office or facility that the dental office
25 or facility has 20 working days to comply with the corrective action; and

26 3. Informing the dental office or facility of the required
27 procedure to inform the Department that the corrective action has been completed.

28 (ii) If the corrective action is completed within 20 working days in
29 accordance with subparagraph (i) of this paragraph, the Department may not impose a fine
30 on a dental office or dental facility for a violation of this title.】

31 ~~(d) (C) The provisions of subsections (b) and (c) of this section relating to fees~~
32 ~~for monitoring and regulating sources of radiation~~ **FEEs ESTABLISHED UNDER**
33 **SUBSECTION (B) OF THIS SECTION** do not apply to a dental school accredited by the
34 Commission on Dental Accreditation of the American Dental Association.】

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.