

# SENATE BILL 1136

M3

EMERGENCY BILL

6lr3807

---

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 \_\_\_\_\_

1 AN ACT concerning

2 **Regulation of Radiation Sources – Fee – Exemption for Pro Bono Temporary**  
3 **~~Pro Bono~~ Dental Clinics**

4 FOR the purpose of exempting certain temporary ~~pro-bono~~ dental clinics that meet certain  
5 requirements from the fee for monitoring and regulating sources of radiation;  
6 making this Act an emergency measure; and generally relating to the regulation of  
7 radiation sources.

8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 8–301  
11 Annotated Code of Maryland  
12 (2013 Replacement Volume and 2015 Supplement)

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

15 **Article – Environment**

16 8–301.

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:

---

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 (i) Ionizing radiation sources and byproduct material;
- 2 (ii) Special nuclear material; and
- 3 (iii) Devices that use ionizing radiation sources, byproduct material,  
4 or special nuclear material.

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

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

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

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

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

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

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

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

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

26 (2) If the Secretary finds that allowing the exemptions will not constitute  
27 a significant risk to the health and safety of the public, the Secretary may adopt rules and  
28 regulations that exempt 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.



## SENATE BILL 1136

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

6 1. Setting forth the nature of the violation and the required  
 7 corrective action;

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

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

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

15 (d) The provisions of subsections (b) and (c) of this section relating to fees for  
 16 monitoring and regulating sources of radiation do not apply to:

17 (1) [a] A dental school accredited by the Commission on Dental  
 18 Accreditation of the American Dental Association; OR

19 (2) **AFTER JUNE 30, 2016, A TEMPORARY PRO BONO DENTAL CLINIC**  
 20 **THAT TEMPORARY DENTAL CLINIC THAT HOLDS A PERMIT UNDER TITLE 4 OF THE**  
 21 **HEALTH OCCUPATIONS ARTICLE, PROVIDES ALL SERVICES ON A PRO BONO BASIS,**  
 22 **AND OPERATES ~~LESS~~ FEWER THAN 100 HOURS A YEAR.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
 24 measure, is necessary for the immediate preservation of the public health or safety, has  
 25 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
 26 each of the two Houses of the General Assembly, and shall take effect from the date it is  
 27 enacted.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.