

Chapter 472

(Senate Bill 1136)

AN ACT concerning

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

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

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

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

**Article – Environment**

8–301.

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

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

(2) The rules and regulations shall provide for:

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

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

(iii) Based on the kinds and amounts of radioactive material subject to specific licenses, the establishment of financial plans to ensure the decommissioning of

facilities operating under those licenses and a timetable for the submission of the plans to the Department.

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

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

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

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

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

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

(i) Specific sources of ionizing radiation;

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

(iii) Specific kinds of users of ionizing radiation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Approved by the Governor, May 10, 2016.**