

SENATE BILL 717

M3

6lr3120
CF 6lr1081

By: **Senator Young**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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; repealing certain
6 provisions of law that, for radiation machines located in certain dental offices or
7 facilities, establish certain maximum registration fees, require the reduction of or
8 exemption from certain fees under certain circumstances, limit the frequency of
9 inspections under certain circumstances, and provide for the remediation of a
10 violation under certain circumstances; repealing a certain exemption from certain
11 fees applicable to certain dental schools; making stylistic changes; and generally
12 relating to registration fees and inspections for radiation machines and other sources
13 of radiation in the State.

14 BY repealing and reenacting, with amendments,
15 Article – Environment
16 Section 8–301
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2015 Supplement)

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

21 **Article – Environment**

22 8–301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 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] **BASED** on the anticipated cost of monitoring and regulating sources of
24 radiation, establish [a fee schedule for general licenses, specific licenses, and the
25 registration of radiation machines or other sources of radiation issued under this section]:

26 **1. A FEE SCHEDULE FOR GENERAL AND SPECIFIC**
27 **LICENSES ISSUED UNDER THIS SECTION; AND**

28 **2. UNIFORM FEE SCHEDULES FOR THE REGISTRATION**
29 **OF:**

30 **A. ACCELERATORS; AND**

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

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

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

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

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

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

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

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

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

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

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