



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1132

Introduced 1/12/2023, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

420 ILCS 56/15
420 ILCS 56/16 new
420 ILCS 56/17 new
420 ILCS 56/20
420 ILCS 56/30
420 ILCS 56/35
420 ILCS 56/40
420 ILCS 56/50
420 ILCS 56/55

Amends the Laser System Act of 1997. Defines "laser installation operator", "laser safety officer", "temporary laser display", and "temporary laser display operator". Throughout the Act, refers to laser installation operators or temporary laser display operators (rather than just operators). Requires laser installations to employ a laser safety officer. Requires the Illinois Emergency Management Agency to adopt rules specifying minimum training and experience requirements for laser safety officers. Provides that, if a laser safety officer encounters noncompliance with the Act or rules adopted under the Act in the course of performing his or her duties as a laser safety officer, then the laser safety officer shall report that noncompliance to the Agency as soon as practical. Requires temporary laser display operators to ensure that each temporary laser display has a laser safety officer physically present at the setup, rehearsal, and performance to ensure that all laser systems in operation at the laser installation meet the requirements of the Act and any rules adopted by the Agency under the Act. Requires temporary laser displays and laser safety officers to maintain a policy of general liability insurance in an amount that is commercially reasonable, but not less than \$1,000,000, and that covers each temporary laser display and laser safety officer. Requires temporary laser display operators to register with the Agency prior to conducting a temporary laser display. Contains notification requirements. Makes other changes.

LRB103 05050 CPF 50064 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Laser System Act of 1997 is amended by
5 changing Sections 15, 20, 30, 35, 40, 50, and 55 and by adding
6 Sections 16 and 17 as follows:

7 (420 ILCS 56/15)

8 Sec. 15. Definitions. For the purposes of this Act, unless
9 the context requires otherwise:

10 ~~(1)~~ "Agency" means the Illinois Emergency Management
11 Agency.

12 ~~(2)~~ "Director" means the Director of the Illinois
13 Emergency Management Agency.

14 ~~(3)~~ "FDA" means the Food and Drug Administration of
15 the United States Department of Health and Human Services.

16 ~~(4)~~ "Laser installation" means a location or facility
17 where laser systems are produced, stored, disposed of, or
18 used for any purpose. "Laser installation" does not
19 include any private residence.

20 "Laser installation operator" means an individual,
21 group of individuals, partnership, firm, corporation,
22 association, or other entity conducting any business or
23 activity within a laser installation.

1 ~~(5)~~ "Laser machine" means a device that is capable of
2 producing or projecting laser radiation when associated
3 controlled devices are operated.

4 ~~(6)~~ "Laser radiation" means an electromagnetic
5 radiation emitted from a laser system and includes all
6 reflected radiation, any secondary radiation, or other
7 forms of energy resulting from the primary laser beam.

8 "Laser safety officer" means an individual who is
9 qualified by training and experience in the evaluation and
10 control of laser hazards, as evidenced by satisfaction of
11 the training and experience requirements adopted by the
12 Agency under subsection (b) of Section 16, and who is
13 designated by a laser installation operator or temporary
14 laser display operator to have the authority and
15 responsibility to establish and administer a laser
16 radiation protection program for a particular laser
17 installation or temporary laser display.

18 ~~(7)~~ "Laser system" means a device, machine, equipment,
19 or other apparatus that applies a source of energy to a
20 gas, liquid, crystal, or other solid substances or
21 combination thereof in a manner that causes
22 electromagnetic radiation ~~radiations~~ of a relatively
23 uniform wavelength, including, but not limited to,
24 electromagnetic waves in the range of visible, infrared,
25 or ultraviolet light, to be ~~are~~ amplified and emitted in a
26 cohesive beam capable of transmitting the energy developed

1 in a manner that may be harmful to living tissues,
2 ~~including, but not limited to, electromagnetic waves in~~
3 ~~the range of visible, infrared, or ultraviolet light. Such~~
4 ~~systems~~ regardless of whether it is located in schools,
5 colleges, occupational schools, ~~and~~ State colleges, or ~~and~~
6 other State institutions ~~are also included in the~~
7 ~~definition of "laser systems".~~ "Laser system" includes
8 laser machines.

9 ~~(8) "Operator" is an individual, group of individuals,~~
10 ~~partnership, firm, corporation, association, or other~~
11 ~~entity conducting the business or activities carried on~~
12 ~~within a laser installation.~~

13 "Temporary laser display" means a visual effect
14 display created for a limited period of time at a laser
15 installation by a laser system that is not a permanent
16 fixture in the laser installation for the entertainment of
17 the public or invitees, regardless of whether admission is
18 charged or whether the laser display takes place indoors
19 or outdoors.

20 "Temporary laser display operator" means an
21 individual, group of individuals, partnership, firm,
22 corporation, association, or other entity conducting a
23 temporary laser display.

24 (Source: P.A. 102-558, eff. 8-20-21.)

25 (420 ILCS 56/16 new)

1 Sec. 16. Laser safety officers.

2 (a) Each laser installation operator shall employ a laser
3 safety officer.

4 (b) The Agency shall adopt rules specifying minimum
5 training and experience requirements for laser safety
6 officers. The requirements shall be specific to the evaluation
7 and control of laser hazards for different types of laser
8 systems and the purpose for which a laser system is used.

9 (c) If a laser safety officer encounters noncompliance
10 with this Act or rules adopted under this Act in the course of
11 performing duties as a laser safety officer, then the laser
12 safety officer shall report that noncompliance to the Agency
13 as soon as practical.

14 (d) No person may act as a laser safety officer or
15 advertise or use any title implying qualification as a laser
16 safety officer unless the person meets the training and
17 experience requirements of this Act and the training and
18 experience requirements established by the Agency under
19 subsection (b).

20 (420 ILCS 56/17 new)

21 Sec. 17. Temporary laser displays; temporary laser display
22 operators.

23 (a) Each temporary laser display operator shall ensure
24 that each temporary laser display has a laser safety officer
25 physically present at the setup, rehearsal, and performance of

1 the temporary laser display to ensure that all laser systems
2 in operation at the laser installation meet the requirements
3 of this Act and any rules adopted by the Agency under this Act.

4 (b) Each laser safety officer for a temporary laser
5 display shall act independently of any temporary laser display
6 operator for the temporary laser display.

7 (c) Each laser installation operator and temporary laser
8 display operator shall provide the laser safety officer access
9 to all necessary areas of the temporary laser display's
10 location, including, but not limited to, access during the
11 temporary laser display to any backstage area, and shall
12 provide all details regarding the laser installation and the
13 laser system necessary for the laser safety officer to ensure
14 that the temporary laser display is conducted safely and in
15 accordance with this Act and any rules adopted by the Agency
16 under this Act.

17 (d) Each temporary laser display operator shall ensure
18 that the registration and notification requirements under
19 Section 20 are complied with for each temporary laser display
20 that the temporary laser display operator conducts.

21 (e) Each temporary laser display operator shall indemnify
22 each laser safety officer and hold the laser safety officer
23 harmless from:

24 (1) the temporary laser display operator's failure to
25 comply with the provisions of this Act and rules adopted
26 by the Agency under this Act; and

1 (2) all damages, including, but not limited to, bodily
2 injury, death, and physical damage to property, resulting
3 from a temporary laser display.

4 (f) Each temporary laser display operator shall maintain a
5 policy of general liability insurance in an amount that is
6 commercially reasonable, but not less than \$1,000,000, and
7 that covers each temporary laser display and laser safety
8 officer.

9 (420 ILCS 56/20)

10 Sec. 20. Registration requirements; notification
11 requirements.

12 (a) Each ~~An operator of a~~ laser installation operator,
13 unless otherwise exempted, shall register the laser
14 installation with the Agency before using a laser system at
15 the laser installation ~~before the installation is placed in~~
16 ~~operation.~~ The registration shall be filed annually on a form
17 prescribed by the Agency and shall include the laser safety
18 officer's name. If any change occurs in a laser installation,
19 the change or changes shall be registered with the Agency
20 within 30 days. If registering a change in each source of laser
21 radiation or the type or strength of each source of radiation
22 is impractical, the Agency, upon request of the laser
23 installation operator, may approve blanket registration of the
24 installation. Laser installations registered with the Agency
25 on the effective date of this Act shall retain their

1 registration.

2 (b) Each temporary laser display operator, unless
3 otherwise exempted, shall register as a temporary laser
4 display operator with the Agency before conducting a temporary
5 laser display in this State. A temporary laser display
6 operator must only register with the Agency once, but must
7 update the temporary laser display operator's registration
8 information provided in obtaining the temporary laser display
9 operator's registration within 30 days after any change to the
10 information. Registration may be completed at the same time as
11 the notification required under subsection (d). Registration
12 shall be submitted in a format prescribed by the Agency.

13 (c) Registration of a laser installation or temporary
14 laser display operator shall not imply approval of
15 manufacture, storage, use, handling, operation, or disposal of
16 laser systems or laser radiation, but shall serve ~~only~~ ~~merely~~
17 as notice to the Agency of the location and character of
18 radiation sources in this State.

19 (d) Each temporary laser display operator shall provide
20 notice to the Agency of each temporary laser display at least
21 10 business days before conducting the temporary laser
22 display. The notification shall include any information
23 required by the Agency by rule and the name of a laser safety
24 officer who will be physically present during the setup,
25 rehearsal, and performance of the temporary laser display. For
26 each notification submitted under this subsection, the Agency

1 shall provide a written approval or rejection to the temporary
2 laser display operator prior to the temporary laser display.

3 (Source: P.A. 95-777, eff. 8-4-08.)

4 (420 ILCS 56/30)

5 Sec. 30. Registration fee. The Agency may establish by
6 rule a registration fee for laser installation operators and
7 temporary laser display operators ~~operators of laser machines~~
8 required to register with the Agency under this Act. The
9 Agency may by rule exempt public institutions from the
10 registration fee requirement. Registration fees assessed shall
11 be due and payable within 60 days after the date of billing.
12 If, after 60 days, the registration fee is not paid, the Agency
13 may issue an order directing the laser installation operator
14 or temporary laser display operator ~~operator of the~~
15 ~~installation~~ to cease use of the laser machines located at the
16 laser installation for which the fee is outstanding or take
17 other appropriate enforcement action as provided in Section 36
18 of the Radiation Protection Act of 1990. An order issued by the
19 Agency shall afford the laser installation operator or
20 temporary laser display operator a right to a hearing before
21 the Agency. A written request for a hearing must be served on
22 the Agency within 10 days of notice of the order. If the laser
23 installation operator or temporary display operator fails to
24 file a timely request for a hearing with the Agency, the laser
25 installation operator or temporary display operator shall be

1 deemed to have waived his or her right to a hearing. All moneys
2 received by the Agency under this Act shall be deposited into
3 the Radiation Protection Fund and are not refundable. Pursuant
4 to appropriation, moneys deposited into the Fund may be used
5 by the Agency to administer and enforce this Act.

6 (Source: P.A. 95-777, eff. 8-4-08.)

7 (420 ILCS 56/35)

8 Sec. 35. Agency rules. The Agency is authorized to adopt
9 rules for the administration and enforcement of this Act and
10 to enter upon, inspect, and investigate the premises and
11 operations of all laser installations ~~systems~~ of this State
12 and to inspect and investigate the operations of temporary
13 laser display operators, whether or not the laser installation
14 is ~~systems are~~ required to be registered or notification is
15 required by this Act. In adopting rules authorized by this
16 Section and in exempting certain laser systems from the
17 registration and notification requirements of Section 20, the
18 Agency may seek advice and consultation from engineers,
19 physicists, physicians, or other persons with special
20 knowledge of laser systems and of the medical and biological
21 effects of laser systems.

22 (Source: P.A. 95-777, eff. 8-4-08.)

23 (420 ILCS 56/40)

24 Sec. 40. Reports of ~~accidental~~ injuries. A laser

1 installation operator, temporary laser display operator, and
2 laser safety officer ~~The operator of a laser system~~ shall
3 promptly report to the Agency any ~~an accidental~~ injury to an
4 individual in the course of use, handling, operation,
5 manufacture, or discharge of a laser system.

6 (Source: P.A. 95-777, eff. 8-4-08.)

7 (420 ILCS 56/50)

8 Sec. 50. Public nuisance; injunctive relief. The
9 conducting of any business or the carrying on of activities
10 within a laser installation without registering a laser
11 installation, without registering a laser installation
12 operator or a temporary laser display operator, without
13 registering a laser safety officer, without providing
14 notification required for a temporary laser display, or
15 without complying with the provisions of this Act and any
16 rules adopted by the Agency under this Act ~~relating to the~~
17 ~~laser installation~~ is declared to be inimical to the public
18 welfare and public safety and to constitute a public nuisance.
19 It is the duty of the Attorney General, upon the request of the
20 Agency, to bring an action in the name of the People of the
21 State of Illinois to enjoin a laser installation operator or
22 temporary laser display ~~an~~ operator from unlawfully engaging
23 in the business or activity conducted within the laser
24 installation until the laser installation operator or
25 temporary laser display operator ~~of the installation~~ complies

1 with the provisions of this Act. This injunctive remedy shall
2 be in addition to, and not in lieu of, any criminal penalty
3 provided in this Act.

4 (Source: P.A. 95-777, eff. 8-4-08.)

5 (420 ILCS 56/55)

6 Sec. 55. Penalties. A laser installation operator or
7 temporary laser display operator ~~An operator~~ who fails to
8 comply with the provisions of this Act is guilty of a Class B
9 misdemeanor. Each day a laser installation operator or
10 temporary laser display operator ~~an operator~~ fails to comply
11 with the provisions of this Act constitutes a separate
12 offense.

13 (Source: P.A. 90-209, eff. 7-25-97.)