



Rep. Jay Hoffman

Filed: 3/16/2023

10300HB1132ham001

LRB103 05050 DTM 59242 a

1 AMENDMENT TO HOUSE BILL 1132

2 AMENDMENT NO. _____. Amend House Bill 1132 by replacing
3 everything after the enacting clause with the following:

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

1 where laser systems are produced, stored, disposed of, or
2 used for any purpose. "Laser installation" does not
3 include any private residence.

4 "Laser installation operator" means an individual,
5 group of individuals, partnership, firm, corporation,
6 association, or other entity conducting any business or
7 activity within a laser installation.

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

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

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

25 ~~(7)~~ "Laser system" means a device, laser projector,
26 laser machine, equipment, or other apparatus that applies

1 a source of energy to a gas, liquid, crystal, or other
2 solid substances or combination thereof in a manner that
3 electromagnetic radiations of a relatively uniform wave
4 length are amplified and emitted in a cohesive beam
5 capable of transmitting the energy developed in a manner
6 that may be harmful to living tissues, including, but not
7 limited to, electromagnetic waves in the range of visible,
8 infrared, or ultraviolet light. Such systems in schools,
9 colleges, occupational schools, and State colleges and
10 other State institutions are also included in the
11 definition of "laser systems". "Laser system" includes
12 laser machines but does not include any device, machine,
13 equipment, or other apparatus used in the provision of
14 communications through fiber optic cable.

15 ~~-(8) "Operator" is an individual, group of individuals,~~
16 ~~partnership, firm, corporation, association, or other~~
17 ~~entity conducting the business or activities carried on~~
18 ~~within a laser installation.~~

19 "Temporary laser display" means a visual effect
20 display created for a limited period of time at a laser
21 installation by a laser system that is not a permanent
22 fixture in the laser installation for the entertainment of
23 the public or invitees, regardless of whether admission is
24 charged or whether the laser display takes place indoors
25 or outdoors.

26 "Temporary laser display operator" means an

1 individual, group of individuals, partnership, firm,
2 corporation, association, or other entity conducting a
3 temporary laser display at a laser installation.

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

5 (420 ILCS 56/16 new)

6 Sec. 16. Laser safety officers.

7 (a) Each laser installation shall use a laser safety
8 officer.

9 (b) The Agency shall adopt rules specifying minimum
10 training and experience requirements for laser safety
11 officers. The requirements shall be specific to the evaluation
12 and control of laser hazards for different types of laser
13 systems and the purpose for which a laser system is used.

14 (c) If a laser safety officer encounters noncompliance
15 with this Act or rules adopted under this Act in the course of
16 performing duties as a laser safety officer, then the laser
17 safety officer shall report that noncompliance to the Agency
18 as soon as practical to protect public health and safety.

19 (d) No person may act as a laser safety officer or
20 advertise or use any title implying qualification as a laser
21 safety officer unless the person meets the training and
22 experience requirements of this Act and the training and
23 experience requirements established by the Agency under
24 subsection (b).

1 (420 ILCS 56/17 new)

2 Sec. 17. Temporary laser displays; temporary laser display
3 operators.

4 (a) Each temporary laser display operator shall ensure
5 that each temporary laser display has a laser safety officer
6 physically present at the setup, rehearsal, and performance of
7 the temporary laser display to ensure that all laser systems
8 in operation at the laser installation meet the requirements
9 of this Act and any rules adopted by the Agency under this Act.

10 (b) Each laser safety officer for a temporary laser
11 display shall act independently of any temporary laser display
12 operator for the temporary laser display.

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

23 (d) Each temporary laser display operator shall ensure
24 that the registration and notification requirements under
25 Section 20 are complied with for each temporary laser display
26 that the temporary laser display operator conducts.

1 (e) Each temporary laser display operator shall indemnify
2 each laser safety officer and hold the laser safety officer
3 harmless from:

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

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

10 (f) Each temporary laser display operator shall maintain a
11 policy of general liability insurance in an amount that is
12 commercially reasonable, but not less than \$1,000,000, and
13 that covers each temporary laser display and laser safety
14 officer.

15 (420 ILCS 56/20)

16 Sec. 20. Registration requirements; notification
17 requirements.

18 (a) Each ~~An operator of a~~ laser installation operator,
19 unless otherwise exempted, shall register the laser
20 installation with the Agency before using a laser system at
21 the laser installation ~~before the installation is placed in~~
22 ~~operation.~~ The registration shall be filed annually on a form
23 prescribed by the Agency and shall include the laser safety
24 officer's name. If any change occurs in a laser installation,
25 the change or changes shall be registered with the Agency

1 within 30 days. If registering a change in each source of laser
2 radiation or the type or strength of each source of radiation
3 is impractical, the Agency, ~~upon request of the operator,~~ may
4 approve blanket registration of the installation. Laser
5 installations registered with the Agency on the effective date
6 of this Act shall retain their registration.

7 (b) Each temporary laser display operator, unless
8 otherwise exempted, shall register as a temporary laser
9 display operator with the Agency before conducting a temporary
10 laser display in this State. A temporary laser display
11 operator must register only once with the Agency but must
12 update the temporary laser display operator's registration
13 information provided in obtaining the temporary laser display
14 operator's registration as needed. Registration may be
15 completed or updated at the same time as the notification
16 required under subsection (d). Registration shall be submitted
17 in a format prescribed by the Agency.

18 (c) Registration of a laser installation or temporary
19 laser display operator shall not imply approval of
20 manufacture, storage, use, handling, operation, or disposal of
21 laser systems or laser radiation, but shall serve only merely
22 as notice to the Agency of the location and character of
23 radiation sources in this State.

24 (d) Once registered with the Agency, each temporary laser
25 display operator shall provide notice to the Agency of each
26 temporary laser display at least 10 working days before

1 conducting the temporary laser display. The notification shall
2 include any information required by the Agency by rule and the
3 name of a laser safety officer who will be physically present
4 during the setup, rehearsal, and performance of the temporary
5 laser display. For each notification submitted under this
6 subsection, the Agency shall provide a written approval or
7 rejection to the temporary laser display operator prior to the
8 temporary laser display.

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

10 (420 ILCS 56/30)

11 Sec. 30. Registration fee. The Agency may establish by
12 rule a registration fee for laser installation operators and
13 temporary laser display operators ~~operators of laser machines~~
14 required to register with the Agency under this Act. The
15 Agency may by rule exempt State and local governmental
16 entities ~~public institutions~~ from the registration fee
17 requirement. Registration fees assessed shall be due and
18 payable within 60 days after the date of billing. If, after 60
19 days, the registration fee is not paid, the Agency may issue an
20 order directing the laser installation operator or temporary
21 laser display operator ~~operator of the~~ installation to cease
22 use of the laser machines located at the laser installation
23 for which the fee is outstanding or take other appropriate
24 enforcement action as provided in Section 36 of the Radiation
25 Protection Act of 1990. An order issued by the Agency shall

1 afford the laser installation operator or temporary laser
2 display operator a right to a hearing before the Agency. A
3 written request for a hearing must be served on the Agency
4 within 10 days of notice of the order. If the laser
5 installation operator or temporary display operator fails to
6 file a timely request for a hearing with the Agency, the laser
7 installation operator or temporary display operator shall be
8 deemed to have waived his or her right to a hearing. All moneys
9 received by the Agency under this Act shall be deposited into
10 the Radiation Protection Fund and are not refundable. Pursuant
11 to appropriation, moneys deposited into the Fund may be used
12 by the Agency to administer and enforce this Act.

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

14 (420 ILCS 56/35)

15 Sec. 35. Agency rules. The Agency is authorized to adopt
16 rules for the administration and enforcement of this Act and
17 to enter upon, inspect, and investigate the premises and
18 operations of all laser installations ~~systems~~ of this State
19 and to inspect and investigate the operations of temporary
20 laser display operators, whether or not the laser installation
21 is ~~systems are~~ required to be registered or notification is
22 required by this Act. In adopting rules authorized by this
23 Section and in exempting certain laser systems from the
24 registration and notification requirements of Section 20, the
25 Agency may seek advice and consultation from engineers,

1 physicists, physicians, or other persons with special
2 knowledge of laser systems and of the medical and biological
3 effects of laser systems.

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

5 (420 ILCS 56/40)

6 Sec. 40. Reports of ~~accidental~~ injuries. A laser
7 installation operator, temporary laser display operator, and
8 laser safety officer ~~The operator of a laser system~~ shall
9 promptly report to the Agency any ~~an accidental~~ injury to an
10 individual in the course of use, handling, operation,
11 manufacture, or discharge of a laser system.

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

13 (420 ILCS 56/50)

14 Sec. 50. Public nuisance; injunctive relief. The
15 conducting of any business or the carrying on of activities
16 within a laser installation without registering a laser
17 installation, without registering a temporary laser display
18 operator, without providing notification required for a
19 temporary laser display, or without complying with the
20 provisions of this Act and any rules adopted by the Agency
21 under this Act ~~relating to the laser installation~~ is declared
22 to be inimical to the public welfare and public safety and to
23 constitute a public nuisance. It is the duty of the Attorney
24 General, upon the request of the Agency, to bring an action in

1 the name of the People of the State of Illinois to enjoin a
2 laser installation operator or temporary laser display ~~an~~
3 operator from unlawfully engaging in the business or activity
4 conducted within the laser installation until the laser
5 installation operator or temporary laser display operator ~~of~~
6 ~~the installation~~ complies with the provisions of this Act.
7 This injunctive remedy shall be in addition to, and not in lieu
8 of, any criminal penalty provided in this Act.

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

10 (420 ILCS 56/55)

11 Sec. 55. Penalties. A laser installation operator or
12 temporary laser display operator ~~An operator~~ who fails to
13 comply with the provisions of this Act is guilty of a Class B
14 misdemeanor. Each day a laser installation operator or
15 temporary laser display operator ~~an operator~~ fails to comply
16 with the provisions of this Act constitutes a separate
17 offense.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."