

HB3742



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3742

Introduced 2/25/2009, by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

420 ILCS 40/25
420 ILCS 40/25.1

from Ch. 111 1/2, par. 210-25

Amends the Radiation Protection Act of 1990. Eliminates certain provisions authorizing the Illinois Emergency Management Agency to assess fees for the inspection and testing of radiation installations and radiation sources. Effective immediately.

LRB096 10701 JDS 20877 b

FISCAL NOTE ACT
MAY APPLY

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 Radiation Protection Act of 1990 is amended
5 by changing Sections 25 and 25.1 as follows:

6 (420 ILCS 40/25) (from Ch. 111 1/2, par. 210-25)

7 (Section scheduled to be repealed on January 1, 2011)

8 Sec. 25. Radiation inspection and testing, ~~fees.~~

9 (a) The Agency shall inspect and test radiation
10 installations and radiation sources, their immediate
11 surroundings and records concerning their operation to
12 determine whether or not any radiation resulting therefrom is
13 or may be detrimental to health. For the purposes of this
14 Section, "radiation installation" means any location or
15 facility where radiation machines are used. ~~The inspection and~~
16 ~~testing frequency of a radiation installation shall be based on~~
17 ~~the installation's class designation in accordance with~~
18 ~~subsection (f).~~

19 Inspections of mammography installations shall ~~also~~
20 include evaluation of the quality of mammography phantom images
21 produced by mammography equipment. The Agency shall promulgate
22 rules establishing procedures and acceptance standards for
23 evaluating the quality of mammography phantom images.

1 ~~Beginning on the effective date of this amendatory Act of~~
2 ~~1997 and until June 30, 2000, the fee for inspection and~~
3 ~~testing shall be paid yearly at an annualized rate based on the~~
4 ~~classifications and frequencies set forth in subsection (f).~~
5 ~~The annualized fee for inspection and testing shall be based on~~
6 ~~the rate of \$55 per radiation machine for machines located in~~
7 ~~dental offices and clinics and used solely for dental~~
8 ~~diagnosis, located in veterinary offices and used solely for~~
9 ~~diagnosis, or located in offices and clinics of persons~~
10 ~~licensed under the Podiatric Medical Practice Act of 1987 and~~
11 ~~shall be based on the rate of \$80 per radiation machine for all~~
12 ~~other radiation machines. The Department of Nuclear Safety may~~
13 ~~adopt rules detailing the annualized rate structure. For the~~
14 ~~year beginning January 1, 2000, the annual fee for inspection~~
15 ~~and testing of Class D radiation installations shall be \$25 per~~
16 ~~radiation machine. The Department is authorized to bill the~~
17 ~~fees listed in this paragraph as part of the annual fee~~
18 ~~specified in Section 24.7 of this Act.~~

19 ~~Beginning July 1, 2000, the Department of Nuclear Safety or~~
20 ~~its successor agency, the Illinois Emergency Management~~
21 ~~Agency, shall establish the fees under Section 24.7 of this Act~~
22 ~~by rule, provided that no increase of the fees shall take~~
23 ~~effect before January 1, 2001.~~

24 (b) (Blank) .

25 (c) (Blank) .

26 (d) (Blank) .

1 (e) (Blank) .

2 (f) (Blank) . ~~(f) For purposes of this Section, radiation~~
3 ~~installations shall be divided into 4 classes:~~

4 ~~Class A - Class A shall include dental offices and~~
5 ~~veterinary offices with radiation machines used solely for~~
6 ~~diagnosis and all installations using commercially~~
7 ~~manufactured cabinet radiographic/fluoroscopic radiation~~
8 ~~machines. Operators of Class A installations shall have~~
9 ~~their radiation machines inspected and tested every 5 years~~
10 ~~by the Agency.~~

11 ~~Class B - Class B shall include offices or clinics of~~
12 ~~persons licensed under the Medical Practice Act of 1987 or~~
13 ~~the Podiatric Medical Practice Act of 1987 with radiation~~
14 ~~machines used solely for diagnosis and all installations~~
15 ~~using spectroscopy radiation machines, noncommercially~~
16 ~~manufactured cabinet radiographic/fluoroscopic radiation~~
17 ~~machines, portable radiographic/fluoroscopic units,~~
18 ~~non cabinet baggage/package fluoroscopic radiation~~
19 ~~machines and electronic beam welders. Operators of Class B~~
20 ~~installations shall have their radiation machines~~
21 ~~inspected and tested every 2 years by the Agency.~~

22 ~~Class C - Class C shall include installations using~~
23 ~~diffraction radiation machines, open radiography radiation~~
24 ~~machines, closed radiographic/fluoroscopic radiation~~
25 ~~machines and radiation machines used as gauges. Test~~
26 ~~booths, bays, or rooms used by manufacturing, assembly or~~

1 ~~repair facilities for testing radiation machines shall be~~
2 ~~categorized as Class C radiation installations. Operators~~
3 ~~of Class C installations shall have their radiation~~
4 ~~machines inspected and tested annually by the Agency.~~

5 ~~Class D — Class D shall include all hospitals and all~~
6 ~~other facilities using mammography, computed tomography~~
7 ~~(CT), or therapeutic radiation machines. Each operator of a~~
8 ~~Class D installation shall maintain a comprehensive~~
9 ~~radiation protection program. The individual or~~
10 ~~individuals responsible for implementing this program~~
11 ~~shall register with the Department of Nuclear Safety or its~~
12 ~~successor agency, the Illinois Emergency Management~~
13 ~~Agency, in accordance with Section 25.1. As part of this~~
14 ~~program, the registered individual or individuals shall~~
15 ~~conduct an annual performance evaluation of all radiation~~
16 ~~machines and oversee the equipment related quality~~
17 ~~assurance practices within the installation. The~~
18 ~~registered individual or individuals shall determine and~~
19 ~~document whether the installation's radiation machines are~~
20 ~~being maintained and operated in accordance with standards~~
21 ~~promulgated by the Agency. Class D installation shall be~~
22 ~~inspected annually by the Agency.~~

23 ~~(f-1) (Blank). (f-1) Radiation installations for which~~
24 ~~more than one class is applicable shall be assigned the~~
25 ~~classification requiring the most frequent inspection and~~
26 ~~testing.~~

1 (f-2) Radiation installations ~~not classified as Class A, B,~~
2 ~~C, or D~~ shall be inspected according to frequencies established
3 by the Agency based upon the associated radiation hazards, as
4 determined by the Agency.

5 (g) The Agency is authorized to maintain a facility for the
6 purpose of calibrating radiation detection and measurement
7 instruments in accordance with national standards. The Agency
8 may make calibration services available to public or private
9 entities within or outside of Illinois and may assess a
10 reasonable fee for such services.

11 (Source: P.A. 94-104, eff. 7-1-05.)

12 (420 ILCS 40/25.1)

13 (Section scheduled to be repealed on January 1, 2011)

14 Sec. 25.1. Each ~~Beginning January 1, 2000, each~~ individual
15 responsible for implementing a comprehensive radiation
16 protection program for all hospitals and other facilities using
17 mammography, computed tomography (CT), or therapeutic
18 radiation machines ~~Class D installations, as described in~~
19 ~~Section 25(f) of this Act,~~ shall ~~be required to~~ register with
20 the Department of Nuclear Safety or its successor agency, the
21 Illinois Emergency Management Agency. Application for
22 registration shall be made on a form prescribed by the Agency
23 and shall be accompanied by the required application fee. The
24 Agency shall approve the application and register an individual
25 if the individual satisfies criteria established by rule of the

1 Agency. The Agency shall assess registered individuals an
2 annual registration fee. The Agency shall establish by rule
3 application and registration fees. The application and
4 registration fees shall not be refundable.

5 (Source: P.A. 94-104, eff. 7-1-05.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.