

STATE INSPECTIONS OF HOSPITALS AND HEALTH CLINICS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Gordon E. Snow

This act modifies the Radiation Control Act by providing statutory authority and requiring the Radiation Control Board to by rule allow x-ray facilities to use qualified independent experts to conduct inspections required by state law. This act also requires the board to establish qualifications for independent experts.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

19-3-104, as last amended by Chapters 28 and 90, Laws of Utah 1995

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-3-104** is amended to read:

**19-3-104. Registration and licensing of radiation sources by department --
Assessment of fees -- Rulemaking authority and procedure -- Siting criteria.**

(1) The board may require the registration or licensing of radiation sources that constitute a significant health hazard.

(2) All sources of ionizing radiation, including ionizing radiation producing machines, shall be registered or licensed by the department.

(3) The board may make rules:

(a) necessary for controlling exposure to sources of radiation that constitute a significant health hazard;

(b) to meet the requirements of federal law relating to radiation control to ensure the radiation control program under this part is qualified to maintain primacy from the federal government; and

(c) to establish:

(i) board accreditation requirements and procedures for mammography facilities; and

(ii) certification procedure and qualifications for persons who survey mammography equipment and oversee quality assurance practices at mammography facilities.

(4) (a) The department shall assess fees for registration, licensing, and inspection of radiation sources under this section.

(b) The department shall comply with the requirements of Section 63-38-3.2 in assessing fees for licensure and registration.

(5) The department shall coordinate its activities with the Department of Health rules made under Section 26-21a-203.

(6) (a) Except as provided in Subsection (7), the board may not adopt rules, for the purpose of the state assuming responsibilities from the United States Nuclear Regulatory Commission with respect to regulation of sources of ionizing radiation, that are more stringent than the corresponding federal regulations which address the same circumstances.

(b) In adopting those rules, the board may incorporate corresponding federal regulations by reference.

(7) (a) The board may adopt rules more stringent than corresponding federal regulations for the purpose described in Subsection (6) only if it makes a written finding after public comment and hearing and based on evidence in the record that corresponding federal regulations are not adequate to protect public health and the environment of the state.

(b) Those findings shall be accompanied by an opinion referring to and evaluating the public health and environmental information and studies contained in the record which form the basis for the board's conclusion.

(8) (a) The board shall by rule:

(i) authorize independent qualified experts to conduct inspections required under this chapter of x-ray facilities registered with the division; and

(ii) establish qualifications and certification procedures necessary for independent experts to conduct these inspections.

(b) Independent experts under this Subsection (8) are not considered employees or representatives of the division or the state when conducting the inspections.

~~[(8)]~~ (9) (a) The board may by rule establish criteria for siting commercial low-level radioactive waste treatment or disposal facilities.

(b) Any facility for which a radioactive material license is required by this section shall comply with those criteria.

(c) A facility may not receive a radioactive material license until siting criteria have been established by the board. The criteria also apply to facilities that have applied for but not received a radioactive material license.

~~[(9)]~~ (10) The board shall by rule establish financial assurance requirements for closure and postclosure care of radioactive waste land disposal facilities, taking into account existing financial assurance requirements.