

**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:



28 (i) board accreditation requirements and procedures for mammography facilities; and
29 (ii) certification procedure and qualifications for persons who survey mammography
30 equipment and oversee quality assurance practices at mammography facilities.

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

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

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

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

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

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

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

50 (8) The board shall by rule:

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

53 (b) establish qualifications necessary for independent experts to conduct these inspections.

54 [~~8~~] (9) (a) The board may by rule establish criteria for siting commercial low-level
55 radioactive waste treatment or disposal facilities.

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

58 (c) A facility may not receive a radioactive material license until siting criteria have been

59 established by the board. The criteria also apply to facilities that have applied for but not received
60 a radioactive material license.

61 ~~(9)~~ (10) The board shall by rule establish financial assurance requirements for closure
62 and postclosure care of radioactive waste land disposal facilities, taking into account existing
63 financial assurance requirements.

Legislative Review Note
as of 2-7-01 6:46 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel