

# SENATE BILL 308

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2lr2153  
CF 2lr1676

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By: **Senators Klausmeier and Young**

Introduced and read first time: January 27, 2012

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Radiation Sources – Podiatry Radiation Machines**

3 FOR the purpose of requiring a State inspector to provide a podiatry office or facility a  
4 certain written notice in accordance with certain requirements under certain  
5 circumstances; prohibiting the Department of the Environment from imposing a  
6 fine on a podiatry office or facility for a certain violation under certain  
7 circumstances; providing for the application of this Act; and generally relating  
8 to inspections of podiatry radiation machines.

9 BY repealing and reenacting, without amendments,  
10 Article – Environment  
11 Section 8–301(a) and (b)  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2011 Supplement)

14 BY adding to  
15 Article – Environment  
16 Section 8–301(e)  
17 Annotated Code of Maryland  
18 (2007 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Environment**

22 8–301.

23 (a) (1) Subject to Subtitle 4 of this title, the Secretary shall adopt rules  
24 and regulations for general licenses and specific licenses that govern:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Ionizing radiation sources and byproduct material;
- 2 (ii) Special nuclear material; and
- 3 (iii) Devices that use ionizing radiation sources, byproduct  
4 material, or special nuclear material.

5 (2) The rules and regulations shall provide for:

6 (i) The issuance, amendment, suspension, or revocation of  
7 general licenses and specific licenses;

8 (ii) The registration of ionizing radiation sources for which a  
9 general license or specific license is not required; and

10 (iii) Based on the kinds and amounts of radioactive material  
11 subject to specific licenses, the establishment of financial plans to ensure the  
12 decommissioning of facilities operating under those licenses and a timetable for the  
13 submission of the plans to the Department.

14 (3) The amount of funding assurance required under a financial plan  
15 established under paragraph (2)(iii) of this subsection may not exceed the amount  
16 specified in the comparable federal regulations promulgated by the U.S. Nuclear  
17 Regulatory Agency as amended from time to time.

18 (b) (1) The Secretary may adopt rules and regulations that:

19 (i) Require registration by persons granted a general license;

20 (ii) Subject to any registration requirements the Secretary  
21 requires, recognize licenses issued by the federal government or any other state; and

22 (iii) Except as otherwise provided in subsections (c) and (d) of  
23 this section, based on the anticipated cost of monitoring and regulating sources of  
24 radiation, establish a fee schedule for general licenses, specific licenses, and the  
25 registration of radiation machines or other sources of radiation issued under this  
26 section.

27 (2) If the Secretary finds that allowing the exemptions will not  
28 constitute a significant risk to the health and safety of the public, the Secretary may  
29 adopt rules and regulations that exempt from the licensing or registration  
30 requirements of this section:

31 (i) Specific sources of ionizing radiation;

32 (ii) Specific kinds of uses of ionizing radiation; and

1 (iii) Specific kinds of users of ionizing radiation.

2 (3) In adopting the regulations under paragraph (1)(iii) of this  
3 subsection, the Department shall consult with the regulated profession or industry to  
4 determine that the license fee is reasonable and directly related to the actual cost of  
5 the licensing and regulatory activity.

6 **(E) (1) THIS SUBSECTION APPLIES TO A PODIATRY OFFICE OR**  
7 **FACILITY OPERATED BY A LICENSED PODIATRIST, A PARTNERSHIP OF LICENSED**  
8 **PODIATRISTS, OR A PROFESSIONAL ASSOCIATION OF LICENSED PODIATRISTS.**

9 **(2) (I) IF, BASED ON AN INSPECTION OF A PODIATRY**  
10 **RADIATION MACHINE AT A PODIATRY OFFICE OR FACILITY, THE STATE**  
11 **INSPECTOR DETERMINES THAT THERE IS A VIOLATION OF THIS TITLE AND THE**  
12 **VIOLATION DOES NOT PRESENT A SERIOUS AND PROBABLE DANGER TO THE**  
13 **PATIENTS OR EMPLOYEES OF THE PODIATRY OFFICE OR FACILITY, THE STATE**  
14 **INSPECTOR SHALL PROVIDE THE PODIATRY OFFICE OR FACILITY A WRITTEN**  
15 **NOTICE:**

16 **1. SETTING FORTH THE NATURE OF THE VIOLATION**  
17 **AND THE REQUIRED CORRECTIVE ACTION;**

18 **2. INFORMING THE PODIATRY OFFICE OR FACILITY**  
19 **THAT THE PODIATRY OFFICE OR FACILITY HAS 20 WORKING DAYS TO COMPLY**  
20 **WITH THE CORRECTIVE ACTION; AND**

21 **3. INFORMING THE PODIATRY OFFICE OR FACILITY**  
22 **OF THE REQUIRED PROCEDURE TO INFORM THE DEPARTMENT THAT THE**  
23 **CORRECTIVE ACTION HAS BEEN COMPLETED.**

24 **(II) IF THE CORRECTIVE ACTION IS COMPLETED WITHIN 20**  
25 **WORKING DAYS IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH,**  
26 **THE DEPARTMENT MAY NOT IMPOSE A FINE ON A PODIATRY OFFICE OR**  
27 **FACILITY FOR A VIOLATION OF THIS TITLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2012.