

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/18/03

A Bill

Act 1119 of 2003
HOUSE BILL 2489

5 By: Representative Childers
6
7

For An Act To Be Entitled

9 AN ACT TO ENSURE THE LICENSING AND REGISTRATION
10 OF RADIOACTIVE MATERIALS AND DEVICES CONTAINING
11 RADIOACTIVE MATERIAL IN ARKANSAS; TO OFF-SET
12 COSTS TO THE DEPARTMENT OF HEALTH; TO AMEND
13 ARKANSAS CODE § 20-21-213; TO AMEND ARKANSAS CODE
14 § 20-21-213; TO AMEND ARKANSAS CODE § 20-21-217;
15 TO AMEND ARKANSAS CODE § 20-21-217; TO AMEND
16 ARKANSAS CODE § 20-21-217; AND FOR OTHER
17 PURPOSES.

Subtitle

18
19 TO ENSURE THE LICENSING AND REGISTRATION
20 OF RADIOACTIVE MATERIALS AND DEVICES
21 CONTAINING RADIOACTIVE MATERIAL IN
22 ARKANSAS.
23
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 20-21-213(a), concerning the licensing and
29 registration of radioactive materials, is amended to read as follows:

30 (a) The agency shall provide by rule or regulation for general or
31 specific licensing of accelerator-produced material, by-product material,
32 source material, special nuclear material, or devices or equipment utilizing
33 such material.
34

35 SECTION 2. Arkansas Code § 20-21-213(c)(8), concerning the licensing
36 and registration of radioactive materials, is amended to read as follows:



(8) Licenses issued by the agency:

(A) Shall be nontransferable;

(B) Shall be renewed every five (5) ~~years~~ to ten (10) years based on risk factors as determined by the agency; and

(C) Shall expire ~~five (5) years after issuance or~~ at a time specified by the agency; and

SECTION 3. Arkansas Code § 20-21-213(c)(9), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(9) Registrations issued:

(A) Shall be nontransferable;

(B) Shall be renewed ~~annually~~ at a time specified by the Agency; and

(C) Shall expire one (1) year after issuance or at a time specified by the agency.

SECTION 4. Arkansas Code § 20-21-217(a), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(a) In licensing and regulation of radioactive material as defined in § ~~20-21-203(19)~~ 20-21-217 or of any activity which results in the production of radioactive materials as so defined, the agency shall require compliance with applicable standards promulgated by the agency which are equivalent to or more stringent than standards adopted and enforced by the United States Nuclear Regulatory Commission for the same purpose, including requirements and standards promulgated by the United States Environmental Protection Agency.

SECTION 5. Arkansas Code § 20-21-217(b), concerning the licensing and registration of radioactive materials, is amended to read as follows:

(b) The agency is hereby authorized to charge and collect the following annual fees associated with licensing and registration of sources of ionizing radiation:

(1) Hospitals or medical centers:

(A) Category I-A \$900.00

(B) Category I-B 700.00

(C) Category II-A 650.00

- 1 (D) Category II-B 450.00
- 2 (E) Category III 200.00
- 3 (2) X ray registrations:
- 4 (A) Physicians' units \$60.00 per tube up to a \$180.00
- 5 maximum
- 6 (B) Dental radiographic units 50.00 per tube up to a
- 7 150.00 maximum
- 8 (C) Chiropractors' units 60.00 per tube up to a 180.00
- 9 maximum
- 10 (D) Veterinarians' units 50.00 per tube up to a 150.00
- 11 maximum
- 12 (E) Podiatrists' units 50.00 per tube up to a 150.00
- 13 maximum
- 14 (F) Colleges' and universities' units 50.00 per tube up to
- 15 a 200.00 maximum
- 16 (G) Industrial units 80.00 per tube up to a 240.00 maximum
- 17 (H) Others 50.00 per tube up to a 150.00 maximum
- 18 (3) Radioactive material licenses:
- 19 (A) Private practice, other than teletherapy units or
- 20 particle accelerators \$100.00
- 21 (B) Radiography:
- 22 (i) In plant 350.00 for first bay
- 23 500.00 for two (2) or more bays
- 24 (ii) Field 1,000.00
- 25 (C) Wireline service operation ..300.00 for 1 to 3 sources
- 26 500.00 for 4 or more sources
- 27 (D) Academic:
- 28 (i) Broad 500.00
- 29 (ii) Other 200.00
- 30 (E) Gas chromatograph devices and ~~Co-57~~ lead analyzers
- 31 100.00
- 32 (F) Nuclear gauges 300.00 for 1 to 5 gauges
- 33 500.00 for 6 or more gauges
- 34 (G) Particle accelerators, nonmedical 200.00
- 35 (H) In vitro laboratory testing 25.00
- 36 (I) Irradiators 1,000.00

- 1 (J) Nuclear pharmacy 1,000.00
- 2 (K) Mobile nuclear medicine service 1,200.00
- 3 (L) Consultants 250.00

4 (4) General licensed devices - Initial registration and annual
 5 fees for the receipt, possession, or use of radioactive material under a
 6 general license, as defined by the agency, shall be as follows:

- 7 (A) Certain measuring, gauging, and controlling devices
 8\$300.00
- 9 (B) Generally licensed gas chromatographs
 10200.00
- 11 (C) Static elimination devices.....100.00
- 12 (D) Source material devices500.00
- 13 (E) Devices containing depleted uranium500.00
- 14 (F) Barium devices50.00
- 15 (G) All other general license registrations other than
 16 those specified above.....150.00

17 ~~(4)~~ (5) Other:

- 18 (A) Medical, Therapy, nonhospital unit
 19 250.00 for first unit
 20 175.00 for each additional unit
- 21 (B) Particle Accelerator medical, nonhospital unit
 22 450.00 for first unit
 23 300.00 for each additional unit
- 24 (C) "Arkansas State Board of Health Rules and Regulations
 25 for Control of Sources of Ionizing Radiation" 0.00 for first copy
 26 30.00 for each additional copy
- 27 (D) Naturally Occurring Radioactive Material License
 28 2,500.00
- 29 (E) Amendment to existing license ~~0.00 for first amendment~~
 3050.00 per amendment
 31 ~~Additional amendments 50.00 per year~~
- 32 ~~(F) Sealed Source and Device Evaluations 2,500.00~~

33 ~~(5)~~ (6) Reciprocity:

- 34 (A) Naturally Occurring Radioactive Material
 35 2,500.00
- 36 (B) Radiography, Field 1,000.00

- 1 (C) Wireline 500.00
- 2 (D) Nuclear Gauge 500.00
- 3 (E) Consultant 100.00

4 ~~(6)~~ (7) Late Fees: A late fee equal to ten percent (10%) of the
 5 applicable fee shall be charged for fees not received within sixty (60) days
 6 of the invoiced due date and for every sixty (60) days thereafter.

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 8 SECTION 6. Arkansas Code § 20-21-217(e), concerning the licensing and
 9 registration of radioactive materials, is amended to read as follows:

10 (e) No annual fees shall be required for those applicants, licensees,
 11 registrants, or other applicable persons whose use of sources of radiation is
 12 certified as financed solely by the General Revenue Fund of the State of
 13 Arkansas.

14 /s/ Childers

17 APPROVED: 4/7/2003