

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Goodwin**

A Bill

ACT 796 OF 1995
HOUSE BILL 1785

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-21-203, 20-21-213 AND
9 20-21-217 REGARDING FEES FOR LICENSING AND REGISTRATION
10 FOR USE OF RADIOACTIVE E MATERIALS AND X-RAY EQUIPMENT IN
11 ORDER TO OFF-SET COSTS AT THE DEPARTMENT OF HEALTH; AND
12 FOR OTHER PURPOSES."

Subtitle

15 "TO CHANGE FEES FOR LICENSING AND
16 REGISTRATION FOR USE OF RADIOACTIVE E
17 MATERIALS AND X-RAY EQUIPMENT IN ORDER
18 TO OFF-SET COSTS AT THE DEPARTMENT OF
19 HEALTH"

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code 20-21-203 is amended by adding the following
24 definitions:

25 "(47) Category I-A Hospital means a hospital or medical center that
26 meets one of the following criteria:

27 (A) Has a nuclear medicine department, one (1) or more x-ray
28 machines and one (1) or more particle accelerator units; or

29 (B) Has a nuclear medicine department, eleven (11) or more x-ray
30 machines and one (1) or more teletherapy units.

31 (48) 'Category I-B Hospital' means a hospital or medical center that
32 has a nuclear medicine department, has ten (10) or fewer x-ray machines and
33 has one (1) or more teletherapy units;

34 (49) Category II-A Hospital means a hospital or medical center that
35 meets one of the following criteria:

36 (A) Has a nuclear medicine department and eleven (11) or more

1 x-ray machines;

2 (B) Has a nuclear medicine department and one (1) or more
3 particle accelerator units;

4 (C) Has one (1) or more x-ray machines and one (1) or more
5 particle accelerator units; or

6 (D) Has eleven (11) or more x-ray machines and one (1) or more
7 teletherapy units.

8 (50) Category II-B Hospital means a hospital or medical center that
9 meets one of the following criteria:

10 (A) Has a nuclear medicine department and ten (10) or fewer x-ray
11 machines;

12 (B) Has a nuclear medicine department and one (1) or more
13 teletherapy units; or

14 (C) Has ten (10) or fewer x-ray machines and one (1) or more
15 teletherapy units.

16 (51) Category III Hospital means a hospital or medical center that
17 meets one of the following criteria:

18 (A) Has a nuclear medicine department;

19 (B) Has one (1) or more x-ray machines; or

20 (C) Has one (1) or more teletherapy units."
21

22 SECTION 2. Arkansas Code 20-21-213 is amended to read as follows:

23 "20-21-213. Licensing and registration requirements generally.

24 The agency shall provide by rule or regulation for general or specific
25 licensing of by-product, source, special nuclear materials, or devices or
26 equipment utilizing such materials. The rule or regulation shall provide for
27 amendment, suspension, or revocation of licenses. The rule or regulation shall
28 provide that:

29 (1) Each application for a specific license shall be in writing and
30 shall state such information as the agency by rule or regulation may determine
31 to be necessary to decide the technical, insurance, and financial
32 qualifications or any other qualifications of the applicant as the agency may
33 deem reasonable and necessary to protect the occupational and public health
34 and safety;

35 (2) The agency may at any time after the filing of the application, and

1 before the expiration of the license, require further written statements and
2 may make such inspections as the agency may deem necessary in order to
3 determine whether the license should be granted or denied or whether the
4 license should be modified, suspended, or revoked;

5 (3) All applications and statements shall be signed by the applicant or
6 licensee;

7 (4) The agency may require any applications or statements to be made
8 under oath or affirmation;

9 (5) Each license shall be in such form and contain such terms and
10 conditions as the agency may by rule or regulation prescribe;

11 (6) No license issued under the authority of this subchapter and no
12 right to possess or utilize sources of ionizing radiation granted by any
13 license shall be assigned or in any manner disposed of;

14 (7) The terms and conditions of all licenses shall be subject to
15 amendment, revision, or modification by rules, regulations, or orders issued
16 in accordance with the provisions of this subchapter;

17 (8) Licenses issued by the Agency shall be non-transferable, shall be
18 renewed every five (5) years, and shall expire five (5) years after issuance
19 or at a time specified by the agency; and

20 (9) Registrations issued shall be non-transferable, shall be renewed
21 annually, and shall expire one (1) year after issuance or at a time specified
22 by the agency."

23

24 SECTION 3. Arkansas Code 20-21-217 is amended to read as follows:

25 "20-21-217. Licensing and registration requirements - Compliance with
26 standards - Fees.

27 (a) In licensing and regulation of radioactive material as defined in
28 § 20-21-203(19) or of any activity which results in the production of
29 radioactive materials as so defined, the agency shall require compliance with
30 applicable standards promulgated by the agency which are equivalent to or more
31 stringent than standards adopted and enforced by the United States Nuclear
32 Regulatory Commission for the same purpose, including requirements and
33 standards promulgated by the United States Environmental Protection Agency.

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

1 radiation:

2 (1) Hospitals or medical centers:

- 3 (A) Category I-A \$900;
- 4 (B) Category I-B \$700;
- 5 (C) Category II-A \$650;
- 6 (D) Category II-B \$450;
- 7 (E) Category III \$200.

8 (2) X-ray registrations:

- 9 (A) Physicians' units \$60.00 per tube up to a 180.00
- 10 maximum
- 11 (B) Dental radiographic units \$50.00 per tube up to a
- 12 150.00 maximum
- 13 (C) Chiropractors' units \$60.00 per tube up to a 180.00
- 14 maximum
- 15 (D) Veterinarians' units \$50.00 per tube up to a 150.00
- 16 maximum
- 17 (E) Podiatrists' units \$50.00 per tube up to a 150.00
- 18 maximum
- 19 (F) Colleges' and universities' units \$50.00 per tube up to
- 20 a 200.00 maximum
- 21 (G) Industrial units \$80.00 per tube up to a 240.00 maximum
- 22 (H) Others \$50.00 per tube up to a 150.00 maximum

23 (3) Radioactive material licenses:

- 24 (A) Private practice, other than teletherapy units or
- 25 particle accelerators \$100.00
- 26 (B) Radiography:
- 27 (i) In plant 350.00 for first bay
- 28 500.00 for two (2) or more bays
- 29 (ii) Field 1,000.00
- 30 (C) Wireline service operation ... 300.00 for 1 to 3 sources
- 31 500.00 for 4 or more sources
- 32 (D) Academic:
- 33 (i) Broad 500.00
- 34 (ii) Other 200.00
- 35 (E) Gas chromatograph devices and Co-57 Lead analyzers

1 100.00

2 (F) Nuclear gauges 300.00 for 1 to 5 gauges

3 .. 500.00 for 6 or more gauges

4 (G) Particle accelerators, nonmedical 200.00

5 (H) In vitro laboratory testing 25.00

6 (I) Irradiators 1,000.00

7 (J) Nuclear pharmacy 1,000.00

8 (K) Mobile nuclear medicine service 1,200.00

9 (L) Consultants 250.00

10 (4) Other:

11 (A) Medical, Therapy, non-hospital unit

12 250.00 for first unit

13 175.00 for each additional unit

14 (B) Particle Accelerator medical, non-hospital unit

15 450.00 for first unit

16 300.00 for each additional unit

17 (C) Arkansas State Board of Health Rules and Regulations

18 for Control of Sources of Ionizing Radiation 0.00 for first copy

19 30.00 for each additional copy

20 (D) Naturally Occurring Radioactive Material (NORM)

21 License 2,500.00

22 (E) Amendment to existing license . 0.00 for first amendment

23 additional amendments 50.00 per year

24 (F) Sealed Source and Device Evaluations 2,500.00

25 (5) Reciprocity:

26 (A) Naturally Occurring Radioactive Material (NORM) 2,500.00

27 (B) Radiography, Field 1,000.00

28 (C) Wireline 500.00

29 (D) Nuclear Gauge 500.00

30 (E) Consultant 100.00

31 (6) Late Fees: A late fee equal to ten percent (10%) of the

32 applicable fee shall be charged for fees not received within sixty (60) days

33 of the invoiced due date.

34 (c) Reciprocity: Each applicant for reciprocal recognition of an

35 out-of-state license or of an out-of-state registration shall be accompanied

1 by the applicable annual fee, provided that no fee has been submitted during
2 the calendar year of the application.

3 (d) (1) The annual fee shall be based upon the calendar year, January 1
4 through December 31, with fees for any given year due by December 31 of the
5 previous year.

6 (2) Applications for new licenses or registrations shall be
7 accompanied by the appropriate fee. The applicants shall be charged for a full
8 calendar year regardless of the month the license or registration is issued.

9 (3) Applications for amendments to licenses or registration
10 certificates which result in a change to a more costly category shall be
11 accompanied by a fee equal to the difference between the fee for the current
12 category and the one to which the amended license or certificate will
13 escalate.

14 (4) Fee payments shall be by check, draft, or money order made
15 payable to the Department of Health.

16 (5) In any case where the agency finds that an applicant for a
17 new license or new certificate of registration has failed to pay the fee
18 prescribed in this section, the agency will not process that application until
19 such fee is paid.

20 (6) In any case where the agency finds that a person has failed
21 to pay a fee prescribed by this subsection within ninety (90) days of the date
22 due, the agency may issue an order to show cause why that registration,
23 license, or other service should not be revoked, suspended, or terminated, as
24 appropriate.

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

28 (f) All fees levied and collected under this subsection are declared to
29 be special revenues and shall be deposited in the State Treasury, there to be
30 credited to the Public Health Fund.

31 (g) Subject to the rules and regulations as may be implemented by the
32 Chief Fiscal Officer of the State, the disbursing officer for the Department
33 of Health is authorized to transfer all unexpended funds relative to licensing
34 and registration for use of radioactive materials and x-ray equipment that
35 pertain to fees collected, as certified by the Chief Fiscal Officer of the

1 State, to be carried forward and made available for expenditures for the same
2 purpose for any following fiscal year."

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4 SECTION 4. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 5. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 6. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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APPROVED: 3-27-95

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