Stricken language would be deleted from and underlined language would be added to present law. Act 596 of the Regular Session

1	State of Arkansas	As Engrossed: \$3/8/11	
2	88th General Assembly	A Bill	
3	Regular Session, 2011		SENATE BILL 803
4			
5	By: Senator Teague		
6			
7		For An Act To Be Entitled	
8	AN ACT TO PROVIDE THAT THE STATE BOARD OF HEALTH MAY		
9	PROMULGATE RULES TO ESTABLISH FEES TO SUSTAIN THE		
10	PROGRAM OPER	RATIONS OF THE STATE RADIATION CO	NTROL
11	AGENCY MANDA	TED PROGRAMS; AND FOR OTHER PURP	POSES.
12			
13			
14		Subtitle	
15	TO PROV	VIDE THAT THE STATE BOARD OF HEAI	LTH
16	MAY PRO	OMULGATE RULES TO ESTABLISH FEES	TO
17	SUSTAIN	N THE PROGRAM OPERATIONS OF THE	
18	STATE F	RADIATION CONTROL AGENCY MANDATEI)
19	PROGRAM	4S.	
20			
21			
22	BE IT ENACTED BY THE GEN	BERAL ASSEMBLY OF THE STATE OF AR	KANSAS:
23			
24	SECTION 1. Arkans	sas Code § 20-21-217 is amended t	to read as follows:
25		sing and registration requirement	s — Compliance with
26	standards — Fees.		
27	(a) In licensing	and regulation of radioactive ma	aterial or of any
28	activity which results i	in the production of radioactive	materials so defined,
29	the State Radiation Cont	trol Agency shall require complia	ance with applicable
30	standards promulgated by the agency which are equivalent to or more stringent		
31	than standards adopted a	and enforced by the Nuclear Regul	latory Commission for
32	the same purpose, includ	ding requirements and standards p	promulgated by the
33	Environmental Protection	n Agency.	
34	(b) The <u>Until the</u>	e State Board of Health promulgat	es rules under
35	subsection (d) of this s	<u>section, the</u> agency may charge an	nd collect the
36	following annual fees as	ssociated with licensing and regi	istration of sources

1	of ionizing radiation:
2	(1) Hospitals or medical centers:
3	(A) Category I-A \$900.00
4	(B) Category I-B 700.00
5	(C) Category II-A 650.00
6	(D) Category II-B 450.00
7	(E) Category III 200.00
8	(2) X-ray registrations:
9	(A) All X-ray units, \$65.00 per tube up to a maximum of
10	\$260.00
11	(B) Vendor services providing radiation equipment services
12	or radiation safety services, or both 65.00
13	(3) Radioactive material licenses:
14	(A) Private practice, other than teletherapy units or
15	particle accelerators \$100.00
16	(B) Radiography:
17	(i) In plant 350.00 for first bay
18	500.00 for two (2) or more bays
19	(ii) Field 1,000.00
20	(C) Wireline service operation 300.00 for 1 to
21	3 sources 500.00 for 4 or more sources
22	(D) Academic:
23	(i) Broad 500.00
24	(ii) Other 200.00
25	(E) Gas chromatograph devices and lead analyzers
26	. 100.00
27	(F) Nuclear gauges 300.00 for 1 to 5 gauges .
28	500.00 for 6 or more gauges
29	(G) Particle accelerators, nonmedical 200.00
30	(H) In vitro laboratory testing 25.00
31	(I) Irradiators 1,000.00
32	(J) Nuclear pharmacy 1,000.00
33	(K) Mobile nuclear medicine service 1,200.00
34	(L) Consultants 250.00
35	(4) (3) General licensed devices: Initial registration and
36	annual fees for the receipt, possession, or use of radioactive material under

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1
     a general license or a license obtained through reciprocity, as defined by
2
     the agency, shall be as follows:
3
                      (A) Certain measuring, gauging, and controlling devices .
4
             $300.00
5
                      (B) Generally licensed gas chromatographs . . . . .
6
     200.00
7
                      (C) Static elimination devices . . . . 100.00
8
                      (D) Source material devices . . . . 500.00
9
                      (E) Devices containing depleted uranium . . . . . 500.00
10
                           Public safety devices containing radioactive material
11
      . . . . 50.00
12
                      (G) All other general license registrations other than
13
     those specified above . . . . . 150.00
14
                (5) (4) Other:
15
                      (A) Medical, therapy, nonhospital unit . . . . . $250.00
16
     for first unit . . . . 175.00 for each additional unit
17
                      (B) Particle accelerator medical, nonhospital unit . . .
18
     . . 450.00 for first unit . . . . . 300.00 for each additional unit
19
                      (C) "Arkansas State Board of Health Rules and Regulations
20
     for Control of Sources of Ionizing Radiation" . . . . . 0.00 for first copy
21
     . . . . 30.00 for each additional copy
22
                      (D) Naturally occurring radioactive material license . .
23
     . . . 2,500.00
24
                           Amendment to existing license . . . . 50.00 per
                      (E)
25
     amendment
26
                (6) (5) Reciprocity:
27
                      (A) Naturally occurring radioactive material . . . . .
     $2,500.00
28
29
                      (B) Radiography, field . . . . . 1,000.00
30
                      (C) Wireline . . . . 500.00
31
                      (D) Nuclear gauge . . . . . 500.00
32
                      (E) Consultant . . . . 100.00
                (7) (6) Late fees: A late fee equal to ten percent (10%) of the
33
34
     applicable fee shall be charged for fees not received within sixty (60) days
35
     of the invoiced due date and for every sixty (60) days thereafter.
36
           (c) The State Radiation Control Agency may charge and collect the
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As Engrossed: S3/8/11 SB803

1	following annual fees associated with X-ray registrations:			
2	(1) All X-ray units, \$65.00 per tube up to a maximum of \$260.00			
3	(2) Vendor services providing radiation equipment services or			
4	radiation safety services, or both 65.00.			
5	(d)(1) For the fees under subsection (b) of this section, the board			
6	shall adopt rules to establish fees at a level to sustain operations of the			
7	State Radiation Control Agency's mandated programs.			
8	(2) The fees shall not:			
9	(A) Conflict with federal program schedules; or			
10	(B) Exceed twenty-five percent (25%) of the fees that			
11	would be levied by the United States Nuclear Regulatory Commission if the			
12	commission were to regulate the State Radiation Control Agency's mandated			
13	programs.			
14	(e) Each application for reciprocal recognition of an out-of-state			
15	license or of an out-of-state registration shall be accompanied by the			
16	applicable annual fee, provided that no fee has been submitted during the			
17	calendar year of the application.			
18	$\frac{(d)(1)}{(f)(1)}$ The annual fee shall be based upon the calendar year,			
19	January 1 through December 31, with fees for any given year due by December			
20	31 of the previous year.			
21	(2) Applications for new licenses or registrations shall be			
22	accompanied by the appropriate fees. The applicants shall be charged for a			
23	full calendar year regardless of the month the license or registration is			
24	issued.			
25	(3) Applications for amendments to licenses or registration			
26	certificates which result in a change to a more costly category shall be			
27	accompanied by a fee equal to the difference between the fee for the current			
28	category and the one to which the amended license or certificate will			
29	escalate.			
30	(4) Fee payments shall be by check, draft, or money order made			
31	payable to the Division of Health of the Department of Health and Human			
32	Services.			
33	(5) In any case in which the agency finds that an applicant for			
34	a new license or new certificate of registration has failed to pay the fee			
35	prescribed in this section, the agency shall not process that application			
36	until the fee is paid.			

1	(6) In any case in which the agency finds that a person has			
2	failed to pay a fee prescribed by this section within ninety (90) days of th			
3	date due, the agency may issue an order to show cause why that registration,			
4	license, or other service should not be revoked, suspended, or terminated, as			
5	appropriate.			
6	(e) (g) No annual Annual fees shall not be required for those			
7	applicants, licensees, registrants, or other applicable persons whose use of			
8	sources of radiation is certified as financed solely by the General Revenue			
9	Fund of the State of Arkansas.			
10	(f) (h) All fees levied and collected under this section are declared			
11	to be special revenues and shall be deposited into the State Treasury, there			
12	to be credited to the Public Health Fund.			
13	(g) (i) Subject to the rules and regulations as may be implemented by			
14	the Chief Fiscal Officer of the State, the disbursing officer for the			
15	division department may transfer all unexpended funds relative to licensing			
16	and registration for use of radioactive materials and X-ray equipment that			
17	pertain to fees collected, as certified by the Chief Fiscal Officer of the			
18	State, to be carried forward and made available for expenditures for the sam			
19	purpose for any following fiscal year.			
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21	/s/Teague			
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24	APPROVED: 03/23/2011			
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