

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 803

TO PROVIDE THAT THE STATE BOARD OF HEALTH MAY PROMULGATE RULES TO ESTABLISH
FEES TO SUSTAIN THE PROGRAM OPERATIONS OF THE STATE RADIATION CONTROL AGENCY
MANDATED PROGRAMS.

Amendment No. 1 to Senate Bill No. 803

Amend Senate Bill No. 803 as originally introduced:

Page 1, delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 20-21-217 is amended to read as follows:

20-21-217. Licensing and registration requirements – Compliance with standards – Fees.

(a) In licensing and regulation of radioactive material or of any activity which results in the production of radioactive materials so defined, the State Radiation Control 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 Nuclear Regulatory Commission for the same purpose, including requirements and standards promulgated by the Environmental Protection Agency.

(b) The Until the State Board of Health promulgates rules under subsection (d) of this section, the agency may 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
- (D) Category II-B 450.00
- (E) Category III 200.00

(2) ~~X-ray registrations:~~

~~(A) All X-ray units, \$65.00 per tube up to a maximum of \$260.00~~

~~(B) Vendor services providing radiation equipment services or radiation safety services, or both 65.00~~

(3) Radioactive material licenses:

(A) Private practice, other than teletherapy units or particle accelerators \$100.00

(B) Radiography:

(i) In plant 350.00 for first bay . . .
. . . 500.00 for two (2) or more bays

(ii) Field 1,000.00

(C) Wireline service operation 300.00 for 1 to
3 sources 500.00 for 4 or more sources



(D) Academic:
 (i) Broad 500.00
 (ii) Other 200.00
 (E) Gas chromatograph devices and lead analyzers
 . 100.00
 (F) Nuclear gauges 300.00 for 1 to 5 gauges .
 500.00 for 6 or more gauges
 (G) Particle accelerators, nonmedical 200.00
 (H) In vitro laboratory testing 25.00
 (I) Irradiators 1,000.00
 (J) Nuclear pharmacy 1,000.00
 (K) Mobile nuclear medicine service 1,200.00
 (L) Consultants 250.00
~~(4)~~ (3) General licensed devices: Initial registration and
 annual fees for the receipt, possession, or use of radioactive material under
 a general license or a license obtained through reciprocity, as defined by
 the agency, shall be as follows:
 (A) Certain measuring, gauging, and controlling devices .
 \$300.00
 (B) Generally licensed gas chromatographs
 200.00
 (C) Static elimination devices 100.00
 (D) Source material devices 500.00
 (E) Devices containing depleted uranium 500.00
 (F) Public safety devices containing radioactive material
 50.00
 (G) All other general license registrations other than
 those specified above 150.00
~~(5)~~ (4) Other:
 (A) Medical, therapy, nonhospital unit \$250.00
 for first unit 175.00 for each additional unit
 (B) Particle accelerator medical, nonhospital unit . . .
 . . 450.00 for first unit 300.00 for each additional unit
 (C) "Arkansas State Board of Health Rules and Regulations
 for Control of Sources of Ionizing Radiation" 0.00 for first copy
 30.00 for each additional copy
 (D) Naturally occurring radioactive material license . .
 . . . 2,500.00
 (E) Amendment to existing license 50.00 per
 amendment
~~(6)~~ (5) Reciprocity:
 (A) Naturally occurring radioactive material
 \$2,500.00
 (B) Radiography, field 1,000.00
 (C) Wireline 500.00
 (D) Nuclear gauge 500.00
 (E) Consultant 100.00
~~(7)~~ (6) Late fees: A late fee equal to ten percent (10%) of the
 applicable fee shall be charged for fees not received within sixty (60) days
 of the invoiced due date and for every sixty (60) days thereafter.
 (c) The State Radiation Control Agency may charge and collect the
following annual fees associated with X-ray registrations:

(1) All X-ray units, \$65.00 per tube up to a maximum of \$260.00

(2) Vendor services providing radiation equipment services or radiation safety services, or both 65.00.

(d)(1) For the fees under subsection (b) of this section, the board shall adopt rules to establish fees at a level to sustain operations of the State Radiation Control Agency's mandated programs.

(2) The fees shall not:

(A) Conflict with federal program schedules; or

(B) Exceed twenty-five percent (25%) of the fees that would be levied by the United States Nuclear Regulatory Commission if the commission were to regulate the State Radiation Control Agency's mandated programs.

(e) Each application for reciprocal recognition of an out-of-state license or of an out-of-state registration shall be accompanied by the applicable annual fee, provided that no fee has been submitted during the calendar year of the application.

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

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

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

(4) Fee payments shall be by check, draft, or money order made payable to the ~~Division of Health of the~~ Department of Health and ~~Human Services~~.

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

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

~~(e)~~ (g) ~~No annual~~ Annual fees shall not be required for those applicants, licensees, registrants, or other applicable persons whose use of sources of radiation is certified as financed solely by the General Revenue Fund of the State of Arkansas.

~~(f)~~ (h) All fees levied and collected under this section are declared to be special revenues and shall be deposited into the State Treasury, there to be credited to the Public Health Fund.

~~(g)~~ (i) Subject to the rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the ~~division~~ department may transfer all unexpended funds relative to licensing and registration for use of radioactive materials and X-ray equipment that pertain to fees collected, as certified by the Chief Fiscal Officer of the

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

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Teague

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Secretary