

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

*As Engrossed: S3/8/11*  
**A Bill**

SENATE BILL 803

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 OPERATIONS OF THE STATE RADIATION CONTROL  
11 AGENCY MANDATED PROGRAMS; AND FOR OTHER PURPOSES.  
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14 **Subtitle**

15 TO PROVIDE THAT THE STATE BOARD OF HEALTH  
16 MAY PROMULGATE RULES TO ESTABLISH FEES TO  
17 SUSTAIN THE PROGRAM OPERATIONS OF THE  
18 STATE RADIATION CONTROL AGENCY MANDATED  
19 PROGRAMS.  
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21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 *SECTION 1. 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 or of any*  
28 *activity which results in the production of radioactive materials so defined,*  
29 *the State Radiation Control Agency shall require compliance with applicable*  
30 *standards promulgated by the agency which are equivalent to or more stringent*  
31 *than standards adopted and enforced by the Nuclear Regulatory Commission for*  
32 *the same purpose, including requirements and standards promulgated by the*  
33 *Environmental Protection Agency.*

34 *(b) The Until the State Board of Health promulgates rules under*  
35 *subsection (d) of this section, the agency may charge and collect the*  
36 *following annual fees associated with licensing and registration 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~~

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 (F) 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 (E) Amendment to existing license . . . . . 50.00 per  
25 amendment

26 ~~(6)~~ (5) Reciprocity:

27 (A) Naturally occurring radioactive material . . . . .  
28 \$2,500.00

29 (B) Radiography, field . . . . . 1,000.00

30 (C) Wireline . . . . . 500.00

31 (D) Nuclear gauge . . . . . 500.00

32 (E) Consultant . . . . . 100.00

33 ~~(7)~~ (6) Late fees: A late fee equal to ten percent (10%) of the  
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

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 ~~(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.

