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SENATE BILL NO. 838

Offered January 10, 2001

Prefiled December 20, 2000

A BILL to amend and reenact §§ 32.1-229 and 32.1-229.01 of the Code of Virginia, relating to the radon program and regulation of certain persons.

Patron—Watkins

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That §§ 32.1-229 and 32.1-229.01 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-229. General powers of Board.

A. The Board is authorized to:

1. Establish a program of effective regulation of sources of radiation for the protection of the public health and safety, including a program of education and technical assistance relating to radon which is targeted to those areas of the Commonwealth known to have high radon levels.

2. Establish a program to promote the orderly regulation of radiation within the Commonwealth, among the states and between the federal government and the Commonwealth and to facilitate intergovernmental cooperation with respect to use and regulation of sources of radiation to the end that duplication of regulation may be minimized.

3. Establish a program to permit maximum utilization of sources of radiation consistent with the public health and safety.

4. Adopt regulations providing for (i) licenses to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment utilizing, by-product, source, special nuclear materials, or other radioactive material occurring naturally or produced artificially, (ii) registration of the possession of a source of radiation and of information with respect thereto, and (iii) regulation of by-product, source and special nuclear material.

5. Encourage, participate in and conduct studies, investigations, training, research and demonstrations relating to control of sources of radiation.

6. Develop programs for responding adequately to radiation emergencies and coordinate such programs with the Department of Emergency Management.

7. Maintain, revise as necessary, and make available to the public a list of persons that have been listed by the United States Environmental Protection Agency as proficient to offer screening, testing or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board of Health.

8. Establish fee schedules, which shall not exceed comparable federal Nuclear Regulatory Commission fees, for the licensure and inspection of radioactive materials.

9. Adopt regulations for the imposition of civil penalties pursuant to § 32.1-27 C for violations of law, regulation or licensure conditions by persons licensed for the use or possession of radioactive materials.

10. Establish guidelines to require the licensed facilities or physicians' offices where mammography services are performed to offer to the patient, prior to departure, development of such films to ensure integrity and quality of the film. When film developing is not available or the patient chooses not to wait, the patient shall be notified within two business days if another mammogram is necessary. This requirement does not imply or require that a diagnostic opinion be made at the time of the mammogram. The interpreting physician may require that the mammogram be retaken if, in the opinion of the physician, the study is of inadequate quality.

B. The Board shall require registration, inspection and certification for all diagnostic and therapeutic X-ray machines used in the healing arts. In addition, the Board may require the registration, inspection and certification of other machines emitting radiation or utilizing radiation for patients, consumers, workers or the general public, except those machines operated by remote control which are not accessible to human beings during operation.

C. Pursuant to its powers enumerated in § 32.1-25, the Board shall provide for scheduled and random unannounced inspections of facilities and physicians' offices that provide mammography services to ensure compliance with laws, regulations or conditions specified by the Board.

§ 32.1-229.01. Companies listed as proficient to perform radon screening, testing or mitigation.

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59 No person shall conduct or offer to conduct any radon screening, testing or mitigation in the
60 Commonwealth unless he has been listed as proficient by the United States Environmental Protection
61 Agency, *the National Radon Measurement Proficiency Program of the National Environmental Health*
62 *Association or the National Radon Safety Board Certified Radon Professional Program or any other*
63 *proficiency program acceptable to the Board of Health* to offer such screening, testing or mitigation.
64 For the purposes of this article, "person" shall be defined as provided in § 1-13.19.