VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 32.1-229 of the Code of Virginia, relating to reporting radioactive materials.*

[H 1524]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That § 32.1-229 of the Code of Virginia is 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~~ *that* 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 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.

*D. The Board shall require reporting to both the Department and the Virginia Department of State Police immediately if any radioactive materials, including sources of ionizing radiation approved by the Federal Food and Drug Administration for the treatment of foods pursuant to the Federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.), cannot be accounted for within 24 hours. Such reporting*

*shall only be necessary when required by the United States Nuclear Regulatory Commission.*

*Except as provided in this subsection, a report submitted pursuant to this subsection shall be confidential and shall not be a public record pursuant to the Freedom of Information Act (§ 2.2-3700 et seq.). The Department shall cooperate and may share information submitted to it pursuant to this subsection with the Department of Emergency Management, United States Nuclear Regulatory Commission, United States Food and Drug Administration, and state, local and federal law-enforcement agencies, as appropriate. The Department or the Virginia Department of State Police may make public all or part of any report made or other information obtained, pursuant to this section (i) where the release of such report or information may assist in the prevention of imminent harm to public health or safety, or (ii) where the release of such report or information may be useful for education of the public on health, safety or homeland defense issues.*

*Any unauthorized disclosure of reports made pursuant to this subsection shall be subject to the penalties of § 32.1-27.*