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HOUSE BILL NO. 1885

Offered January 9, 2019

Prefiled January 3, 2019

A *BILL to amend and reenact §§ 32.1-228.1 and 32.1-229 of the Code of Virginia, relating to Department of Health and Board of Health; mitigating the risks of radon.*

Patron—Bell, Richard P.

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-228.1 and 32.1-229 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-228.1. Department designated state radiation control agency; powers and duties.

A. The Department of Health is hereby designated as the state radiation control agency. The Commissioner of Health may employ, compensate, and prescribe the duties of such individuals as may be necessary to discharge the responsibilities imposed by this article.

B. The Department shall:

1. Collect and disseminate information relating to control of sources of radiation including:

a. Establishing and maintaining a file of all applications for, issuances, denials, transfers, renewals, modifications, suspensions and revocations of, and amendments to all licenses;

b. Establishing and maintaining a file of registrants possessing sources of radiation requiring registration under the provisions of this article and any administrative or judicial action pertaining thereto; and

c. Establishing and maintaining a file of all agency rules and regulations related to regulation of sources of radiation, pending or promulgated, and proceedings thereon.

2. Establish a database of registered and certified X-ray machines, which shall include but not be limited to the name of the owner or operator and the location of the machine.

3. Pursuant to its powers enumerated in § 32.1-25, 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.

4. Establish forms for the periodic Radiation Inspection Report.

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

6. ~~Make available to the public~~ *Develop programs to educate the public about and increase public awareness of radon, sources of radon, potential adverse health impacts of radon exposure, and options for testing for and mitigating the presence of radon and to provide guidance on selecting qualified radon testing or mitigation professionals. As part of such programs, the Department shall make available to the public a list of persons who are certified as professionals to offer screening, testing, or mitigation for radon pursuant to § 32.1-229.01.*

7. Publish and make available a list of qualified inspectors of X-rays and X-ray machines.

§ 32.1-229. Powers and duties of the Board.

The Board shall:

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 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. Promulgate regulations providing for (i) general or specific 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. Establish fee schedules for the licensure of radioactive materials.

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HB1885

59 7. Establish guidelines to require the licensed facilities or physicians' offices where mammography
60 services are performed to offer to the patient, prior to departure, development of such films to ensure
61 integrity and quality of the film. When film developing is not available or the patient chooses not to
62 wait, the patient shall be notified within two business days if another mammogram is necessary. This
63 requirement does not imply or require that a diagnostic opinion be made at the time of the mammogram.
64 The interpreting physician may require that the mammogram be retaken if, in the opinion of the
65 physician, the study is of inadequate quality. Such guidelines shall also require the licensed facility or
66 physician's office where mammography services are performed to (i) include information on breast
67 density in mammogram letters sent to patients pursuant to regulations implementing the Mammography
68 Quality Standards Act promulgated by the U.S. Food and Drug Administration, and (ii) include in letters
69 sent to patients determined by the interpreting physician to have heterogeneously dense or extremely
70 dense tissue, as defined in nationally recognized guidelines or systems for breast imaging reporting of
71 mammography screening, including the Breast Imaging Reporting and Data System (BI-RADS) of the
72 American College of Radiology, and any equivalent new terms, as such guidelines or systems are
73 updated, the following notice:

74 "YOUR MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE.
75 DENSE BREAST TISSUE IS VERY COMMON AND IS NOT ABNORMAL. HOWEVER, DENSE
76 BREAST TISSUE CAN MAKE IT HARDER TO FIND CANCER ON A MAMMOGRAM AND MAY
77 ALSO BE ASSOCIATED WITH AN INCREASED RISK OF BREAST CANCER.

78 THIS INFORMATION IS GIVEN TO YOU TO RAISE YOUR AWARENESS. USE THIS
79 INFORMATION TO TALK TO YOUR DOCTOR ABOUT YOUR OWN RISKS FOR BREAST
80 CANCER. AT THAT TIME, ASK YOUR DOCTOR IF MORE SCREENING TESTS MIGHT BE
81 USEFUL BASED ON YOUR RISK.

82 A REPORT OF YOUR MAMMOGRAPHY RESULTS HAS BEEN SENT TO YOUR REFERRING
83 PHYSICIAN'S OFFICE, AND YOU SHOULD CONTACT YOUR PHYSICIAN IF YOU HAVE ANY
84 QUESTIONS OR CONCERNS ABOUT THIS REPORT."

85 8. Issue such orders or modifications thereof as may be necessary in connection with proceedings
86 under this title.

87 9. *Establish a program for the regulation of radon testing or mitigation professionals, including*
88 *requirements for (i) certification of radon testing and mitigation professionals and (ii) radon testing and*
89 *mitigation protocols.*