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HOUSE BILL NO. 2655

House Amendments in [] — February 4, 1999

A BILL to amend and reenact §§ 32.1-229 and 32.1-235 of the Code of Virginia, relating to powers of the Board regarding radiation control.

Patrons—Katzen; Senator: Potts

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-229 and 32.1-235 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 Services.

7. Maintain, revise, as necessary, and make available to the public a list of persons that have been listed as ~~proficient~~ by the United States Environmental Protection Agency *as proficient* to offer screening, testing or mitigation for radon.

8. *Establish fee schedules [which shall not exceed similar federal Nuclear Regulatory Commission fees] for the licensure and inspection of radioactive materials. The fees collected pursuant to this subsection shall be deposited in a special fund to support the licensure and inspections of radioactive materials facilities.*

9. *Adopt regulations for issuing civil penalties for [individuals persons] licensed for the use or possession of radioactive materials who violate the regulations or conditions of their license.*

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.

§ 32.1-235. Authority of Governor to enter into agreements with federal government; effect on federal licenses.

A. The Governor [is authorized to ~~shall~~ , *subject to such funds being appropriated,*] enter into agreements with the federal government providing for discontinuance of the federal government's responsibilities with respect to sources of ionizing radiation and the assumption thereof by this Commonwealth.

B. Any person who, on the effective date of an agreement under subsection A above, possesses a license issued by the federal government shall be deemed to possess the same pursuant to this article. Such license shall expire either ninety days after receipt of a notice from the Commissioner of expiration of such license or on the date of expiration specified in the federal license, whichever is earlier.

ENGROSSED

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