

1 IN THE HOUSE

BY MR. GREUEL

2

HOUSE BILL NO. 56

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6 For an Act entitled: "An Act relating to Title 40, Health and

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Safety Chapter 1, Section 40--1-6,

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Alaska Compiled Laws Annotated 1949,

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as amended by Section 16 of Chapter

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118, Session Laws of Alaska, 1949,

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relating to radiation protection and

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prescribing functions, powers and duties

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relating to prevention and prohibition

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of unnecessary radiation."

15 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

16 Section 1. Title. This Act shall be known and may be

17 cited as the "Radiation Protection Act."

18 Sec. 2. Public Policy. Whereas ionizing radiations and

19 their sources can be instrumental in the improvement of health,

20 welfare and productivity of the public if properly utilized

21 and may be destructive of life or health if carelessly or ex-

22 cessively employed, or may impair the industrial and agricul-

23 tural potentials of the Territory if improperly utilized, it

24 is hereby declared to be the public policy of the Territory of

25 Alaska to encourage the constructive uses of radiation and to

26 prohibit and prevent unnecessary radiation.

27 Sec. 3. Definitions. The following words as used in this

28 Act shall have the following meanings: "Department" means The

29 Alaska Department of Health. "Unnecessary radiation" means

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1 the use of gamma rays, X-Rays, alpha and beta particles,
2 high speed electrons, neutrons, protons and other atomic
3 or nuclear particles or rays in such manner as may be
4 hazardous to the health of the people or the industrial or
5 agricultural potentials of the Territory.

6 Sec. 4. Rules and Regulations. The Alaska Department of
7 Health shall have the power to formulate and promulgate, amend
8 and repeal codes and rules and regulations including registra-
9 tion of sources of radiation as may be necessary to prohibit
10 and prevent unnecessary radiation provided however, that no
11 such amendment or repeal shall be adopted except after public
12 hearing to be held after sixty (60) days prior notice thereof
13 by public advertisement of the date, time and place of such
14 hearing, at which opportunity to be heard by the Alaska De-
15 partment of Health with respect thereto shall be given to the
16 public; and provided, further, that no such code, rule or
17 regulation and no such amendment or repeal shall be or become
18 effective until thirty (30) days after the adoption thereof
19 as aforesaid. A person heard at such public hearing shall be
20 given written notice of the determination of the Alaska
21 Department of Health.

22 Sec. 5. Functions and Powers of Department. The Department
23 shall: a. administer this act and codes, rules or regulations
24 promulgated under this act;
25 b. Develop comprehensive policies and programs for the
26 evaluation and determination of hazards associated with the
27 use of radiation, and for their amelioration;
28 c. Advise, consult and cooperate with other agencies of the
29 Territory, the Federal Government, States and interstate

1 agencies, and with affected groups, political subdivisions
2 and industries;
3 d. Accept and administer according to law loans, grants, or
4 other funds or gifts from the Federal Government and from other
5 sources, public or private for carrying out its functions under
6 this Act;

7 e. Encourage, participate in, or conduct studies, investiga-
8 tions, training, research and demonstrations relating to the
9 control of radiation hazard, the measurement of radiation,
10 the effects on health of exposure to radiation and related
11 problems as it may deem necessary or advisable for the discharge
12 of its duties under this Act;

13 f. Collect and disseminate health education information re-
14 lating to radiation protection;

15 g. Review plans and specifications for radiation sources
16 submitted pursuant to codes, rules or regulations promulgated
17 under this Act;

18 h. Inspect radiation sources, their shielding and immediate
19 surroundings and records concerning their operation for the
20 determination of any possible radiation hazard;

21 i. Data obtained as a result of registrations or investi-
22 gations may be kept confidential by the Department.

23 Sec. 6. Use of Radiation Sources. All sources of radiation
24 shall be shielded, transported, handled, used and kept in such
25 manner as to prevent all users thereof and all persons within
26 effective range thereof from being exposed to unnecessary
27 radiation.

28 Sec. 7. Notification of Violation and Order of Abatement.
29 Whenever the Department finds upon inspection and

1 examination a source of radiation as constructed, operated or
2 maintained that there has been a violation of any of the provi-
3 sions of this Act or any codes, rules or regulations promulgated
4 under this Act, it shall notify any person found to be causing,
5 allowing or permitting such violation, of the nature of that
6 violation and order that prior to a time fixed by the Depart-
7 ment; which time shall not be later than thirty (30) days from
8 the date of service of the notice, that such person shall cease
9 and abate causing, allowing or permitting such violation and
10 take such action as may be necessary for the source of radiation
11 to be constructed, operated or maintained in compliance with
12 this Act and codes, rules or regulations promulgated under this
13 Act. Any person aggrieved by the finding or order of the
14 Department may bring a civil action in the District Court of
15 the appropriate Judicial Division at any time within three
16 months after being notified thereof, and said court may hear
17 and determine such action in which the court may proceed in a
18 summary manner or otherwise, and thereupon may affirm; the
19 finding or order of the Department or reverse or modify the
20 finding or order of the Department in whole or in part as
21 the Court shall deem just and reasonable.

22 Sec. 8 Authority of Department in Cases of Emergency.
23 Whenever the Department finds that an emergency exists re-
24 quiring immediate action to protect the health or welfare
25 it may issue an order reciting the existence of such an
26 emergency and requiring that such action be taken as it deems
27 necessary to meet the emergency. Such order shall be effective
28 immediately. Any person to whom such order is directed shall
29 comply therewith immediately but on application to the

1 Department shall be afforded a hearing within thirty (30)
2 days. On the basis of such hearing the Department shall
3 continue such order in effect, revoke it or modify it.

4 Sec. 9. Injunctive Relief. A civil action may be insti-
5 tuted in the District Court of the appropriate Judicial
6 Division on behalf of the Department for injunctive relief
7 to prevent the violation of the provisions of this Act or
8 codes, rules or regulations promulgated under this Act, and
9 said court may proceed in the action in a summary manner or
10 otherwise and may restrain in all such cases any person from
11 violating any of the provisions of this Act or said codes,
12 rules or regulations.

13 Sec. 10. Exceptions. Nothing in this Act shall be inter-
14 preted as limiting intentional exposure of patients to radiation
15 for the purpose of diagnosis or therapy, or medical research,
16 as authorized by law.

17 Sec. 11. Conflicting Laws. This Act shall not be construed
18 as repealing any laws of the Territory relating to radiation
19 sources, exposures, radiation protection, and professional
20 licensure, but shall be held and construed as auxiliary and
21 supplementary thereto, except to the extent that the same are
22 in direct conflict herewith. No ordinances or regulations of
23 any governing body of a municipality not inconsistent with this
24 Act or any code rules or regulations promulgated pursuant there-
25 to shall be superseded by this Act. Nothing in this Act or in
26 any code, rules or regulations promulgated pursuant thereto
27 shall preclude the right of any governing body of a municipality
28 to adopt ordinances or regulations not inconsistent with this Act
29 or any code, rules or regulations promulgated pursuant thereto.