

Introduced: 1/19/76  
Referred: Health, Education  
and Social Services

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 **CS** SENATE BILL NO. 536

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to radiation protection."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 46.03.250 is repealed and re-enacted to read:

9 Sec. 46.03.250. AUTHORITY. The department shall establish  
10 standards governing the exposure or discharge of atomic radiation to  
11 the air, water, land and subsurface land of the state.

12 \* Sec. 2. AS 46.03.260 is repealed and re-enacted to read:

13 Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts  
14 an operation which results in the discharge or exposure of atomic  
15 radiation to the air, water, land or subsurface land of the state must  
16 procure a permit from the department before commencing the discharge  
17 or exposure.

18 \* Sec. 3. AS 46.03.290 is repealed and re-enacted to read:

19 Sec. 46.03.290. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY.

20 (a) When the department finds that an actual or imminent discharge or  
21 exposure of atomic radiation to the air, water, land or subsurface  
22 land of the state poses an immediate threat to the public health or  
23 welfare, or the environment of the state, it may issue an order declaring  
24 an emergency and directing a person or persons to take action the  
25 department believes necessary to meet the emergency, and protect the  
26 public health, welfare or environment.

27 (b) A person to whom an order is directed shall comply with it  
28 immediately, but on application to the department shall be given a  
29 hearing under the Administrative Procedure Act (AS 44.62). Thereafter

1 the department may affirm, revoke or modify the order.

2 (c) During a period of emergency declared under (a) of this  
3 section, each state agency and instrumentality, including, when  
4 appropriate, the Department of Military Affairs under the authority  
5 conferred by AS 26.20, shall take whatever action the department finds  
6 necessary to meet the emergency, and to protect the public health,  
7 welfare or environment.

8 \* Sec. 4. AS 18.60 is amended by adding new sections to read:

9 ARTICLE 5. RADIATION PROTECTION [ACT].

10 Sec. 18.60.475. POWERS AND DUTIES OF DEPARTMENT. (a) The de-  
11 partment shall

12 (1) develop comprehensive policies and programs for the  
13 evaluation and determination of hazards associated with the use of  
14 electronic radiation, radiation sources, and their amelioration;

15 (2) encourage, participate in and conduct studies, investi-  
16 gations, training, research and demonstrations relating to the control  
17 of electronic radiation hazards, the measurement of radiation, the  
18 effects on health of exposure to electronic radiation and related  
19 problems it considers necessary or advisable for the discharge of its  
20 duties;

21 (3) collect and disseminate health education information  
22 relating to electronic radiation protection;

23 (4) review plans and specifications for electronic radiation  
24 sources submitted under its regulations;

25 (5) inspect electronic radiation sources, their shielding  
26 and immediate surroundings and records concerning their operation for  
27 the determination of possible radiation hazard.

28 (b) The department may keep confidential data obtained as a  
29 result of registration or investigation.

1           Sec. 18.60.485. ELECTRONIC PRODUCT RADIATION. All electronic  
2 products capable or likely to be capable of emitting radiation shall  
3 be shielded, handled, used, and kept to prevent users and persons  
4 within the range of radiation from dangerous concentration of radiation  
5 in conformity with the department's regulations.

6           Sec. 18.60.495. NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT.  
7 When the department finds, after inspection and examination of a  
8 source of electronic radiation as constructed, operated or maintained,  
9 that there has been a violation of a provision of this chapter, it  
10 shall notify the person causing or permitting the violation, of the  
11 nature of the violation and order the person to stop it.

12           Sec. 18.60.505. AUTHORITY OF DEPARTMENT IN CASES OF EMERGENCY.  
13 When the department finds that an emergency exists requiring immediate  
14 action to protect the public health or welfare from electronic radia-  
15 tion it may issue an order reciting the existence of an emergency and  
16 requiring that action be taken to meet the emergency. The order is  
17 effective immediately. A person to whom an order is directed shall  
18 comply with it immediately, but on application to the department shall  
19 be given a hearing under the Administrative Procedure Act (AS 44.62).  
20 After a hearing, the department may affirm, revoke or modify the  
21 order.

22           Sec. 18.60.515. EXCEPTIONS. Sections 475 - 485 of this chapter  
23 do not limit the intentional exposure of patients to radiation for the  
24 purpose of diagnosis or therapy, or medical research, as authorized by  
25 law.

26           Sec. 18.60.525. PENALTIES. A person who violates a regulation,  
27 standard or order of the department issued under this chapter is  
28 guilty of a misdemeanor and, upon conviction, is punishable by a fine  
29 of not more than \$100, or by imprisonment for not more than six months,

1 or by both. Each day upon which a violation occurs constitutes a  
2 separate offense.

3 Sec. 18.60.545. DEFINITIONS. In secs. 475 - 545 of this chapter

4 (1) "department" means the Department of Health and Social  
5 Services;

6 (2) "electronic product" means a manufactured product which

7 (A) when in operation, contains or acts as part of an  
8 electronic circuit and emits, or in the absence of effective  
9 shielding or other controls would emit, electronic product radi-  
10 ation; or

11 (B) is intended for use as a component, part, or  
12 accessory of a product described in (A) of this paragraph and  
13 which when in operation emits, or in the absence of effective  
14 shielding or other controls would emit, electronic product  
15 radiation;

16 (3) "electronic product radiation" means a non-ionizing,  
17 electro-magnetic or particulate radiation, or a sonic, infrasonic, or  
18 ultrasonic wave which is emitted from an electronic product as the  
19 result of the operation of an electronic circuit in the product.

20 \* Sec. 5. AS 46.03.270, AS 46.03.280, AS 46.03.300, AS 46.03.310, AS  
21 46.03.840, AS 46.03.900(7), AS 46.03.900(8), AS 46.03.900(16), and AS  
22 46.03.900(17) are repealed.  
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