

Introduced: 1/17/77
Referred: Health, Education
and Social Services

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HCS SENATE BILL NO. 45 (FIN) AMH

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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 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) adopt regulations necessary to carry out the purposes
13 of secs. 475 - 545 of this chapter;

14 (2) develop comprehensive policies and programs for the
15 evaluation and determination of hazards associated with the use of
16 radiation sources and their amelioration;

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

22 (4) collect and disseminate health education information
23 relating to radiation protection;

24 (5) review plans and shielding specifications for radiation
25 sources;

26 (6) inspect radiation sources, their shielding and imme-
27 diate surroundings, and records concerning their operation for the
28 determination of possible radiation hazard.

29 (b) The department may keep confidential data obtained as a

1 result of registration or investigation.

2 Sec. 18.60.485. RADIATION SOURCES. Radiation sources shall be
3 shielded, transported, handled, used, and kept to prevent users and
4 other persons from being exposed to concentrations of radionuclides or
5 levels of radiation exceeding those limits established by the depart-
6 ment in regulations.

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

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

22 Sec. 18.60.515. EXCEPTIONS. (a) Sections 475 - 485 of this
23 chapter do not limit the intentional exposure of patients to radiation
24 for the purpose of diagnosis or therapy, or medical research, when
25 conducted as authorized by law and in accordance with accepted radiation
26 safety principles.

27 (b) Section 475(a)(5) and (6) of this chapter do not apply to
28 the private use of radiation sources in the home.

29 Sec. 18.60.525. PENALTIES. A person who violates a regulation,

1 standard, or order of the department adopted or issued under this
2 chapter is guilty of a misdemeanor and, upon conviction, is punishable
3 by a fine of not more than \$500, or by imprisonment for not more than
4 one year, or by both. Each day upon which a violation occurs consti-
5 tutes a separate offense.

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

7 (1) "department" means the Department of Health and
8 Social Services;

9 (2) "electronic product" means a manufactured product
10 which

11 (A) when in operation, contains or acts as part of
12 an electronic circuit and emits, or in the absence of effective
13 shielding or other controls would emit, electronic product
14 radiation; or

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

20 (3) "electronic product radiation" means any ionizing or
21 non-ionizing, electromagnetic or particulate radiation, or a sonic,
22 infrasonic, or ultrasonic wave which is emitted from an electronic
23 product as the result of the operation of an electronic circuit in the
24 product;

25 (4) "radiation sources" means both electronic product and
26 nuclear radiation sources.

27 * Sec. 2. AS 46.03.250 is repealed and re-enacted to read:

28 Sec. 46.03.250. AUTHORITY. The department shall adopt regula-
29 tions establishing standards governing the discharge of radionuclides

1 to the air, water, land, and subsurface land of the state.

2 * Sec. 3. AS 46.03.260 is repealed and re-enacted to read:

3 Sec. 46.03.260. USE OF ATOMIC RADIATION. A person who conducts
4 an operation which results in the discharge of radionuclides to the
5 air, water, land or subsurface land of the state must obtain a permit
6 from the department before commencing the discharge.

7 * Sec. 4. AS 46.03.290 is repealed and re-enacted to read:

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

9 (a) When the department finds that an actual or imminent discharge of
10 radionuclides to the air, water, land or subsurface land of the state
11 poses an immediate threat to the public health or welfare, or the
12 environment of the state, it may issue an order declaring an emergency
13 and directing a person or persons to take action the department
14 believes necessary to meet the emergency, and protect the public
15 health, welfare, or environment.

16 (b) A person to whom an order is directed shall comply with it
17 immediately, but on application to the department shall be given a
18 hearing under the Administrative Procedure Act (AS 44.62). Thereafter
19 the department may affirm, revoke or modify the order.

20 (c) During a period of emergency declared under (a) of this
21 section, each state agency, including, when appropriate, the Department
22 of Military Affairs under the authority conferred by AS 26.20, shall
23 take whatever action the department finds necessary to meet the emer-
24 gency, and to protect the public health, welfare, or environment.

25 * Sec. 5. AS 46.03.900 is amended by adding a new paragraph to read:

26 (23) "radionuclide" means any atom which may spontaneously
27 emit particles or gamma radiation or may emit X-radiation following
28 orbital electron capture or may undergo spontaneous fission.

29 * Sec. 6. Regulations adopted under authority of statutes repealed or

1 amended by this Act shall remain in effect until repealed by the Department
2 of Environmental Conservation in consultation with the Department of Health
3 and Social Services.

4 * Sec. 7. AS 46.03.020(10)(F), 46.03.270, 46.03.280, 46.03.300, 46.03.-
5 310, 46.03.840, 46.03.900(7), 46.03.900(8), 46.03.900(16), and 46.03.900(17)
6 are repealed.

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