

**STATE  
FISCAL IMPACT**

**Drafting Number:** LLS 10-0568  
**Prime Sponsor(s):** Rep. Hullinghorst  
 Sen. Foster

**Date:** February 10, 2010  
**Bill Status:** House Health and Human Services  
**Fiscal Analyst:** Sara McPhee (303-866-4782)

**TITLE:** CONCERNING THE REGULATION PRIOR TO DISPOSAL OF SOURCES THAT EMIT RADIATION.

<b>Fiscal Impact Summary</b>	<b>FY 2010-2011</b>	<b>FY 2011-2012</b>
<b>State Revenue</b> General Fund	\$40,000	\$40,000
<b>State Expenditures</b>		
<b>FTE Position Change</b>		
<b>Effective Date:</b> Upon signature of the Governor, or upon becoming law without his signature.		
<b>Appropriation Summary for FY 2010-2011:</b> None required.		
<b>Local Government Impact:</b> None.		

**Summary of Legislation**

This bill clarifies and updates several provisions concerning radiation control laws, including:

- eliminates the specific requirements concerning the education and training of mammographers;
- eliminates the provision that an individual possessing a federal license is deemed to possess a state license;
- specifies that the State Board of Health may charge fees for application processing and for radiation control services and the fees are to cover the direct and indirect costs of these services;
- clarifies that any rules adopted for radiation machines be consistent with federal law and include minimum standards for the machines, the individuals who inspect the machines, and the inspection procedures;
- determines that if a machine fails inspection, the inspector must notify the owner immediately and the Department of Public Health and Environment (DPHE) within three days;
- specifies that if an individual does not pay a fee for radiation control services, the DPHE may request that the Attorney General begin civil proceedings and the individual is to pay the fee and a penalty that is not larger than twice the amount of the fee or \$1,000;
- specifies that when a person violates the radiation control rules, the DPHE may, with proper notice, assess an administrative penalty of up to \$15,000 per day; and
- determines the hearing procedures for radiation control violations.

**State Revenue**

This bill increases General Fund revenue in the DPHE by \$40,000 each year due to the increase in the administrative penalty. The proposed penalty is \$15,000; the current penalty is \$5,000. The fiscal note estimates that the DPHE would assess a penalty, on average, four times per year.

**Departments Contacted**

Public Health and Environment

Judicial

Law