

JAN 28 1977

*Reprinted 3/77*

House File 82

*Pass per 3052 2/16 (411)*

HOUSE FILE

82

Energy  
Doyle, chair  
Hullinger  
Lindeen  
Binneboese  
Danker

By ENERGY RESOURCES STUDY  
COMMITTEE

Passed House, Date 3-21-77 (p. 931) Passed Senate, Date 3-13-78 (p. 547)

Vote: Ayes 79 Nays 16 Vote: Ayes 48 Nays 1

Approved \_\_\_\_\_

## A BILL FOR

1 An Act creating a division of radiation protection within the  
2 state department of health, prescribing its powers and du-  
3 ties and providing penalties for violations.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter one hundred thirty-five (135), Code  
2 1977, is amended by adding sections two (2) through thirteen  
3 (13) of this Act.

4 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act  
5 unless the context otherwise requires:

6 1. "Radiation" means any electromagnetic, non-ionizing  
7 or ionizing radiation including gamma rays, X rays, alpha  
8 and beta particles, high speed electrons, neutrons, protons  
9 and other nuclear particles.

10 2. "Radioactive material" means any material that emits  
11 radiation spontaneously.

12 3. "Source of radiation" means any radioactive material,  
13 or any device or equipment emitting or capable of producing  
14 radiation.

15 4. "Division" means the radiation protection division  
16 of the state department of health created in section three  
17 (3) of this Act.

18 5. "Director" means the director of the division of  
19 radiation protection of the state department of health  
20 appointed pursuant to section three (3) of this Act.

21 Sec. 3. NEW SECTION. DIVISION CREATED. There is created  
22 within the department a radiation protection division. The  
23 division shall be responsible for administering and enforcing  
24 programs designed to protect the public health and safety  
25 from hazards associated with the use of sources of radiation.  
26 The commissioner shall appoint the director of the division  
27 who shall be an individual with recognized scientific training  
28 and experience in the field of radiation.

29 Sec. 4. NEW SECTION. DUTIES OF DIVISION. The division  
30 shall:

31 1. Develop policies and programs for the determination,  
32 evaluation and control of hazards associated with the use  
33 of sources of radiation.

34 2. Require annual registration for the possession and  
35 use of sources of radiation in accordance with rules

1 promulgated by the department and may require the licensing  
2 of users of radioactive materials. A registration or licensing  
3 fee not to exceed sixty dollars per source of radiation shall  
4 be charged.

5 3. Collect, publish and disseminate information relating  
6 to radiation protection.

7 4. Promulgate rules as necessary to implement the pro-  
8 visions of this Act.

9 Sec. 5. NEW SECTION. POWERS OF DIVISION. The division  
10 may:

11 1. Require the maintenance of records relating to the  
12 receipt, installation, use, storage, transfer or disposal  
13 of sources of radiation, including records showing the radia-  
14 tion exposure of personnel involved in the use of sources  
15 of radiation.

16 2. Issue, modify or revoke orders pertaining to the  
17 installation, use, storage and disposal of sources of  
18 radiation.

19 3. Conduct, participate in, or encourage studies and  
20 demonstrations relating to the control of radiation hazards,  
21 the measurement of radiation, the effects on health of exposure  
22 to radiation, and related problems as the division may deem  
23 necessary or advisable for the discharge of its duties under  
24 this Act.

25 4. Sponsor or conduct training programs for users of  
26 sources of radiation as deemed necessary by the division.

27 5. Establish standards for the design, installation and  
28 operation of sources of radiation.

29 6. Inspect sources of radiation, their shielding and  
30 immediate surroundings, and records concerning their handling  
31 and operation for the determination of any possible radiation  
32 hazard or violation of this Act or rules promulgated pursuant  
33 to this Act. The director or a designee may enter at all  
34 reasonable times upon any private or public property for the  
35 purpose of determining whether or not a radiation hazard

1 exists, or whether there is compliance with or violation of  
2 this Act or rules promulgated pursuant to this Act. If the  
3 owner does not consent to the inspection, the provisions of  
4 section four hundred fifty-five B point three (455B.3),  
5 subsection eight (8) of the Code shall apply. The department  
6 shall have exclusive jurisdiction in this state with regard  
7 to the inspection of sources of radiation but shall try to  
8 conduct its inspections jointly with inspectors from other  
9 state and local agencies having jurisdiction over some aspect  
10 of the facility whenever possible. The provisions of this  
11 subsection shall not apply to private property used solely  
12 for residential purposes.:

13 7. Require the submission of plans and specifications  
14 for the design, shielding, and use of sources of radiation  
15 for review and appraisal.

16 8. Accept on behalf of the state, and administer according  
17 to law, loans, grants, or other funds or gifts from the federal  
18 government, and from any other source, public or private,  
19 for the purpose of carrying out the provisions of this Act.

20 9. Advise, consult, and cooperate with other agencies  
21 of the state, the federal government, other states and  
22 interstate agencies, and with affected persons, groups, po-  
23 litical subdivisions, and industries.

24 10. Perform such other functions as deemed necessary which  
25 are not inconsistent with this Act.

26 Sec. 6. NEW SECTION. REGISTRATION EXEMPTIONS. The  
27 division may exempt any source of radiation from the  
28 registration requirement established in subsection two (2)  
29 of section four (4) of this Act if:

30 1. The source of radiation is licensed by the United  
31 States nuclear regulatory commission or its successor agency  
32 or another agency of the federal government and the division  
33 determines that such license shall be recognized in lieu of  
34 state registration; or

35 2. If the division determines that exemption of a source

1 of radiation from the registration requirement will not  
2 constitute a significant risk to the health and safety of  
3 the public.

4     Sec. 7. NEW SECTION. CONFIDENTIALITY OF RECORDS.  
5 Information received by the division through filed reports,  
6 inspections, or as otherwise authorized under this Act shall  
7 not be disclosed publicly in such manner as to identify any  
8 particular person, except in a proceeding concerning a viola-  
9 tion of this Act or of any rules promulgated pursuant to this  
10 Act, or as otherwise authorized or ordered by appropriate  
11 court action or proceedings. This Act shall not prevent the  
12 use of such information by the division in compiling or  
13 publishing analyses or summaries relating to the general  
14 status of radiation in the state if such analyses or summaries  
15 do not identify, directly or indirectly, any owner or user  
16 or reveal any information otherwise confidential under this  
17 section.

18     Sec. 8. NEW SECTION. HEARINGS ON VIOLATIONS. If the  
19 director determines that there are reasonable grounds to  
20 believe a violation of this Act or of the rules promulgated  
21 pursuant to this Act has occurred, the director shall give  
22 written notice by certified mail to the alleged violator  
23 specifying the alleged violations involved and notifying the  
24 alleged violator that the violations must be eliminated within  
25 a specific period of time. If the alleged violator fails  
26 to comply within the specified time, the director shall  
27 schedule a hearing on the alleged violation which shall be  
28 conducted in the same manner as a contested case under the  
29 provisions of chapter seventeen A (17A) of the Code.

30     Sec. 9. NEW SECTION. EMERGENCY ORDER--HEARING. When-  
31 ever the director finds that an emergency exists requiring  
32 immediate action to protect the public health and safety,  
33 the director may, without notice or hearing, issue an emergency  
34 order stating that an emergency exists and requiring that  
35 such action be taken as the director deems necessary to meet

1 the emergency. The order may be issued orally to the person  
2 whose operation constitutes the emergency by the director  
3 or a designee and confirmed by a copy of the order to be sent  
4 by certified mail within twenty-four hours after the issuance  
5 of the oral order. The emergency order shall be effective  
6 immediately. Any person receiving an emergency order may  
7 request a hearing within thirty days following the receipt  
8 of the order. The director shall schedule a hearing within  
9 fourteen days after receipt of the request for a hearing  
10 and give written notice to the alleged violator by certi-  
11 fied mail. The director may also schedule a hearing in the  
12 absence of a request by the alleged violator. The hearing  
13 shall be conducted in the same manner as a contested case  
14 under the provisions of chapter seventeen A (17A) of the Code.

15 Sec. 10. NEW SECTION. IMPOUNDMENT PERMITTED. The director  
16 may, if an emergency exists, impound or order the impounding  
17 of sources of radiation in the possession of any person who  
18 is not equipped to observe, or fails to observe, the provisions  
19 of this Act or any rules adopted pursuant to this Act.

20 Sec. 11. NEW SECTION. ORDER TO ENJOIN. Whenever, in  
21 the judgment of the director, any person has engaged in or  
22 is about to engage in any acts or practices which constitute  
23 or will constitute a violation of this Act, or any rule promul-  
24 gated pursuant to this Act, and at the request of the director,  
25 the attorney general shall make application in the name of  
26 the state to the district court of the county in which such  
27 acts or practices may be performed, for an order enjoining  
28 such acts or practices notwithstanding the existence or pursuit  
29 of any other remedy.

30 Sec. 12. NEW SECTION. PENALTIES. Any person who vio-  
31 lates this Act, rules promulgated pursuant to this Act, or  
32 any order of the director issued pursuant to this Act, shall  
33 be punished by a fine of not less than twenty-five dollars  
34 nor more than five hundred dollars or by imprisonment in the  
35 county jail not to exceed six months or be punished by both

1 such fine and imprisonment and, in addition thereto, may be  
2 enjoined from continuing such violation. Each day of con-  
3 tinued violation after notice that a violation is being com-  
4 mitted shall constitute a separate violation.

5 Sec. 13. NEW SECTION. AGREEMENTS WITH FEDERAL AGENCIES.

6 The governor may upon recommendation of the state board of  
7 health, enter into agreements with the federal government  
8 providing for discontinuance of certain responsibilities  
9 of the federal government with respect to sources of radiation  
10 and the assumption of the responsibilities by this state.

11 Any person, who on the effective date of such an agreement,  
12 possesses a license for source, by-product, or special nuclear  
13 material in quantities not sufficient to form a critical mass,  
14 issued by the United States nuclear regulatory commission,  
15 shall be deemed to possess a like license which may be is-  
16 sued under this Act, and which shall expire either ninety  
17 days after receipt from the division of a notice of expiration  
18 of such license, or on the date of expiration specified in  
19 the United States nuclear regulatory commission license,  
20 whichever is the earlier.

21 Sec. 14. This Act is effective January 1, 1978.

22 EXPLANATION

23 This bill creates a division of radiation protection within  
24 the state department of health. The division is required  
25 to register all sources of electromagnetic, ionizing and non-  
26 ionizing sources of radiation plus radioactive materials.  
27 The division may also establish standards for the design,  
28 installation and use of sources of radiation and may inspect  
29 for radiation hazards and noncompliance with the standards.

30 The bill allows the division to hold training sessions  
31 for users but no training requirements are established and  
32 attendance at such sessions could not be compelled. In ad-  
33 dition, language is included to enable Iowa to become an  
34 "agreement state" at some future point in time, that is, the  
35 state through a contract with the United States nuclear

1 regulatory commission could assume certain federal responsi-  
2 bilities with regard to radioactive materials. Such agree-  
3 ment would have to be initiated by the governor.

4 Penalties are provided in section 12 for violations of  
5 the Act and rules promulgated pursuant to the Act.

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LSB 100H  
dd/jw/5

Energy  
Rodgers, Chairperson  
Gallagher  
Briles

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3/29 Amended per 5002 & Dr. Pass 4/4/78

HOUSE FILE 82

By ENERGY RESOURCES STUDY  
COMMITTEE  
(As Amended and Passed by the House)

Passed House, Date 4-4-78 (p. 1348) <sup>per 5515</sup> Passed Senate, Date 3-13-78 (p. 547)

Vote: Ayes 75 Nays 13 Vote: Ayes 48 Nays 1

Approved May 9 1978

*Motion to reconsider p. 547 w/d 3/14(561)  
Repassed Senate 4-12-78 (p. 343)*

48-1

# A BILL FOR

1 An Act placing with the department of health the authority  
2 for regulating the design, installation and use of  
3 radiation emitting equipment and providing a penalty.

5348-

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, unless the context otherwise requires:

3 1. "Commissioner" means the commissioner of public health  
4 or a designee.

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5 2. "Department" means the state department of health.

6 3. "Radiation" means energy forms capable of causing  
7 ionization including alpha particles, beta particles, gamma  
8 rays, X-rays, neutrons, high-speed protons, and other atomic  
9 particles, but does not include sound or radio waves, or  
10 visible light, or infrared or ultraviolet light.

11 Sec. 2. NEW SECTION. APPLICABILITY. The provisions of  
12 this Act apply to all equipment or materials which are located  
13 in this state and which are designed to emit radiation. The  
14 provisions of this Act shall not supersede or duplicate the  
15 authority and programs of any other agency of the state or  
16 the United States government. To avoid duplication and promote  
17 coordination of radiation protection activities, the department  
18 may enter into agreements pursuant to chapter twenty-eight  
19 E (28E) of the Code with other state and federal agencies,  
20 or with private organizations or individuals, to administer  
21 the provisions of this Act.

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22 Sec. 3. NEW SECTION. POWERS AND DUTIES. The department  
23 shall be responsible for regulating the design, installation  
24 and use of radiation-producing equipment and materials in  
25 this state. The department shall:

26 1. Inspect at the time of installation, reinstallation  
27 or major component change and periodically inspect thereafter,  
28 all equipment and materials located in this state, for the  
29 purpose of detecting, abating, or eliminating excessive  
30 exposure hazards. The inspection shall include but shall  
31 not be limited to an evaluation of the equipment as well as  
32 the immediate environment to insure that in using equipment  
33 and materials all unnecessary hazards for patients, personnel,  
34 and other persons who may be exposed to radiation produced  
35 by the equipment or materials are avoided. The department

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1 shall establish rules prescribing operating procedures for  
2 equipment and materials which insure minimum radiation exposure  
3 to patients, personnel, and other persons in the immediate  
4 environment. The inspection shall include inspection of the  
5 tube housing, beam restricting devices, filtration, exposure  
6 switches, control panel, and exposure timing switch. The  
7 inspector shall certify that protections against electrical  
8 hazards as well as the mechanical supporting and restraining  
9 devices used are adequate and that a device to monitor  
10 radiation exposure is available. All defects and deficiencies  
11 noted by the inspector shall be fully disclosed and discussed  
12 with the responsible persons at the time of inspection.

13 2. Establish minimum criteria and safety standards for  
14 the design, installation, operation and use of radiation  
15 emitting equipment and materials.

16 3. Establish minimum training standards for operators.  
17 All operators of equipment and users of material who are  
18 licensed by the state to practice medicine, osteopathy,  
19 chiropractic, podiatry, dentistry or veterinary medicine shall  
20 be deemed to have satisfied the minimum training standards.

-5022

21 4. Establish a system for the registration of the  
22 possession of radiation emitting equipment and materials in  
23 the state.

24 5. Establish and collect fees for the registration and  
25 for the periodic inspection of radiation emitting equipment  
26 and materials. Fees shall be in amounts sufficient to defray  
27 the cost of administering the provisions of this Act. All  
28 fees collected shall be remitted to the treasurer of state  
29 who shall deposit the funds in the general fund of the state.

30 6. Adopt, publish and amend rules, in accordance with  
31 the provisions of chapter seventeen A (17A) of the Code as  
32 may be necessary for the implementation and enforcement of  
33 the provisions of this Act.

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34 Sec. 4. A person shall not install, use, or place into  
35 operation a computerized axial tomography scanner which has

1 not been approved by the Health Facilities Construction Review  
2 Committee of the department of health prior to March 1, 1977  
3 or which has not been placed in operation by the effective  
4 date of this Act.

5 Sec. 5. NEW SECTION. PENALTIES. It is unlawful to operate  
6 or utilize radiation emitting equipment or material in  
7 violation of the provisions of this Act or of any rule adopted  
8 pursuant to this Act. Persons convicted of violating the  
9 provisions of this Act shall be guilty of a simple misdemeanor.

10 Sec. 6. NEW SECTION. ENFORCEMENT. Upon determination  
11 by the commissioner that this Act or any rule adopted pursuant  
12 to this Act has been or is being violated, the commissioner  
13 may order that the radiation emitting equipment or materials  
14 not be used until the necessary corrective action has been  
15 taken. Should the equipment or materials continue to be used  
16 in violation of the order of the commissioner, the commissioner  
17 may request the county attorney or the attorney general to  
18 make an application in the name of the state to the district  
19 court of the county in which the violations may have occurred  
20 for an order to enjoin such violations or practices.

21 Sec. 7. Section four (4) of this Act shall be repealed  
22 January 1, 1979.

23 Sec. 8. Section four (4) of this Act being deemed of  
24 immediate importance, shall take effect and be in force from  
25 and after its publication in The Moravia Union, a newspaper  
26 published in Moravia, Iowa, and in The Seymour Herald, a  
27 newspaper published in Seymour, Iowa.

28 EXPLANATION

29 This bill creates a division of radiation protection within  
30 the state department of health. The division is required  
31 to register all sources of electromagnetic, ionizing and non-  
32 ionizing sources of radiation plus radioactive materials.  
33 The division may also establish standards for the design,  
34 installation and use of sources of radiation and may inspect  
35 for radiation hazards and noncompliance with the standards.

1 The bill allows the division to hold training sessions  
2 for users but no training requirements are established and  
3 attendance at such sessions could not be compelled. In ad-  
4 dition, language is included to enable Iowa to become an  
5 "agreement state" at some future point in time, that is, the  
6 state through a contract with the United States nuclear  
7 regulatory commission could assume certain federal responsi-  
8 bilities with regard to radioactive materials. Such agree-  
9 ment would have to be initiated by the governor.

10 Penalties are provided in section 12 for violations of  
11 the Act and rules promulgated pursuant to the Act.

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S-5051

1 Amend House File 82 as amended, passed and reprinted  
 2 by the House as follows:

5869 3 1. Page 1, by striking lines 16 through 21 and  
 4 inserting in lieu thereof the words "the United States  
 5 government."

5860 6 2. Page 1, by striking lines 26 through 35.

7 3. Page 2, by striking lines 1 through 12 and  
 8 inserting in lieu thereof the following:

5860 9 "\_\_\_\_\_. Establish rules prescribing operating  
 10 procedures for equipment and materials which insure  
 11 minimum radiation exposure to patients, personnel  
 12 and other persons in the immediate environment."

13 4. Page 2, by inserting after line 33 the following  
 14 section:

15 "Sec. \_\_\_\_\_. NEW SECTION. INSPECTIONS. The state  
 16 hygienic laboratory shall inspect at the time of  
 17 installation, reinstallation, or major component  
 18 change and shall periodically inspect thereafter,  
 19 all equipment and materials located in this state  
 20 for the purpose of detecting, abating, or eliminating  
 21 excessive radiation exposure hazards. The inspection  
 22 shall include but shall not be limited to an evaluation  
 23 of the equipment as well as the immediate environment  
 24 to insure that in using equipment and materials all  
 25 unnecessary hazards for patients, personnel and other  
 26 persons who may be exposed to radiation produced by  
 27 the equipment or materials are avoided. The inspection  
 28 shall determine the adequacy and safety of protections  
 29 against electrical hazards as well as the mechanical  
 30 supporting and restraining devices used. Defects  
 31 and deficiencies noted in the inspection shall be  
 32 fully disclosed and discussed with the responsible  
 33 persons at the time of inspection. The laboratory  
 34 shall transmit the results of the inspections to the  
 35 department for enforcement purposes and to the bureau  
 36 of labor in cases where occupational health standards  
 37 may have been violated."

38 5. Amend the title, lines 1 and 2, by striking  
 39 the words "placing with the department of health the  
 40 authority for regulating" and inserting in lieu thereof  
 41 the words "to regulate".

42 6. By renumbering and correcting internal refer-  
 43 ences in accordance with this amendment.

S-5051 FILED *w/d 3/13 (p. 541)*  
 JANUARY 23, 1978

BY NORMAN RODGERS  
 JAMES V. GALLAGHER

HOUSE FILE 82

S-5348

1 Amend House File 82 as passed, amended, and  
 2 reprinted by the House, title page, line 2 by striking  
 3 the word "design,".

S-5348 FILED

March 13, 1978

*Filed out of order 3/13 (p. 541)*

BY NORMAN RODGERS

S-5002

HOUSE FILE 82

- 1 Amend House File 82 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, line 23, by striking the word "design,".
- 4 2. Page 2, line 14, by striking the word "design,".
- 5 3. Page 2, by striking lines 34 and 35.
- 6 4. Page 3, by striking lines 1 through 4.
- 7 5. Page 3, by striking lines 21 through 27 and
- 8 inserting in lieu thereof the following section:
- 9 "Sec. \_\_\_\_ . This Act is effective January 1, 1979."
- 10 6. Amend the title, line 2, by striking the word
- 11 "design,".

S-5002 FILED *Adopted 3/13*  
JANUARY 9, 1978 *(p. 541)*

BY JAMES V. GALLAGHER, CHAIRPERSON  
COMMITTEE ON ENERGY

HOUSE FILE 82

S-5022

- 1 Amend House File 82 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 19, by adding after the word
- 4 "dentistry" the following ", dental hygiene".

S-5022 FILED *Adopted 3/13 (p. 547)*  
JANUARY 17, 1978 BY CALVIN O. HULTMAN

HOUSE FILE 82

S-5037

- 1 Amend House File 82 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 " \_\_\_\_ . "Materials" means substances other than
- 6 equipment which are capable of emitting radiation
- 7 but does not include drugs as defined in chapter two
- 8 hundred three A (203A) of the Code."
- 9 2. By renumbering the remaining subsections in
- 10 accordance with this amendment.

S-5037 FILED *Lost 3/13 (p. 541)*  
JANUARY 19, 1978 BY CALVIN O. HULTMAN

1 Amend the Senate amendment, H-5666, to House File  
2 82 as amended, passed and reprinted by the House as  
3 follows:

4 1. Page 1, by inserting after line 2 the follow-  
5 ing:

6 "\_\_\_\_\_. Page 1, by inserting after line 10 the  
7 following:

8 "\_\_\_\_\_. "Records" means X-rays retained in a file  
9 that are developed by a professional for use by the  
10 professional in providing services to a client and  
11 any documents relating to the X-rays.

12 "\_\_\_\_\_. "Professional" means a person licensed in  
13 this state as defined in section one hundred forty-  
14 seven point one (147.1) of the Code or a licensed  
15 health care facility.

16 "\_\_\_\_\_. "Client" means a patient of a professional  
17 who engages the professional by an implied or express  
18 agreement to perform professional services for com-  
19 pensation on the client's behalf.

20 "\_\_\_\_\_. "Representative" means the spouse, parent,  
21 guardian, conservator, guardian ad litem, attorney,  
22 or other legally-designated representative of a  
23 client.""

24 2. Page 1, by inserting after line 6 the following:  
25 "\_\_\_\_\_. Page 2, by inserting after line 33 the  
26 following:

27 "Sec. 4. NEW SECTION. OWNERSHIP OF RECORDS.  
28 Subject only to a possessory lien by the professional  
29 for any reasonable compensation which has not been  
30 duly paid by the client, the client owns all records  
31 with right of possession upon demand. The lien  
32 attaches only to records which are directly related  
33 to the unpaid compensation.

34 Sec. 5. NEW SECTION. DESTRUCTION OF RECORDS.

35 1. A professional shall not destroy possessed  
36 records until:

37 a. Five years have passed since the records were  
38 developed; and

39 b. The professional has offered writing to the  
40 client or representative to deliver possession of  
41 the records; and,

42 c. The client or representative has consented  
43 in writing to destruction.

44 2. If a professional destroys records under  
45 paragraph b or c of subsection one (1) of this section,  
46 the professional shall maintain either:

47 a. A verified affidavit that:

48 (1) Was executed within thirty days of the day  
49 the written offer to deliver possession was mailed;  
50 and,

1 (2) Shows a copy of this written offer and that  
2 it was mailed by restricted certified mail within  
3 twenty-eight days before the records were destroyed;  
4 and,

5 (3) Includes the certified mail receipt signed  
6 by the client or representative or refused; and,

7 (4) Swears that either no answer or unpaid  
8 compensation was received; or,

9 b. A written consent to destroy signed by the  
10 client or representative.

11 Sec. 6. NEW SECTION. REASONABLE COMPENSATION.

12 A professional may include in any reasonable  
13 compensation charged a charge for delivery of records  
14 to a client. However, this charge shall inhere in  
15 the initial billing or statement for all services  
16 rendered by the professional, whether or not this  
17 billing or statement contains any language to the  
18 contrary. A receipt showing actual delivery of  
19 specified records which is signed by the client or  
20 a legally designated representative shall absolve  
21 the professional from any other or further  
22 responsibility for these records.

23 Sec. 7. NEW SECTION. COPIES OF RECORDS. The  
24 provisions of sections four (4) through seven (7)  
25 of this Act shall not be construed to prohibit a  
26 professional from making and keeping copies of records.  
27 Copies made for the client may be at the client's  
28 expense and copies kept by the professional shall  
29 be at the professional's expense. A charge for the  
30 client's copies shall not include a charge for other  
31 service or advise."

32 3. Page 1, by inserting after line 8 the follow-  
33 ing:

34 " \_\_\_\_ . Page 3, line 7, by inserting before the  
35 word "this" the words and figures "sections one (1)  
36 through three (3) of".

37 \_\_\_\_ . Page 3, line 8, by inserting after the word  
38 "to" the words and figures "sections one (1) through  
39 three (3) of".

40 \_\_\_\_ . Page 3, line 9, by inserting before the word  
41 "this" the words and figures "sections one (1) through  
42 three (3) of".

43 \_\_\_\_ . Page 3, by inserting after line 9 the words  
44 and figures "A professional who willfully refuses  
45 to deliver or destroys material in violation of the  
46 provisions of sections four (4) through seven (7)  
47 of this Act is, upon conviction, guilty of an  
48 aggravated misdemeanor."

49 \_\_\_\_ . Page 3, by striking lines 11 and 12 and  
50 inserting in lieu thereof the words and figures "by

H-5869  
Page 3

1 the commissioner that the provisions of sections one  
2 (1) through three (3) of this Act or any rule adopted  
3 pursuant to the provisions of sections one (1) through  
4 three (3) of this Act has been or is being violated,  
5 the commissioner".

H-3128

1 Amend H-3052 as follows:

2 1. Page 1, by inserting after line 15 the follow-  
3 ing:

4 "\_\_\_". "Records" means X-rays and any files or  
5 documents relating to the X-rays developed by a pro-  
6 fessional for use by the professional in providing  
7 services to a client.

8 "\_\_\_". "Professional" means a person licensed in  
9 this state as defined in section one hundred forty-  
10 seven point one (147.1) of the Code or a licensed  
11 health care facility.

12 "\_\_\_". "Client" means a patient of a professional  
13 who engages the professional by an implied or express  
14 agreement to perform professional services for com-  
15 pensation on the client's behalf.

16 "\_\_\_". "Representative" means the spouse, parent,  
17 guardian, conservator, guardian ad litem, attorney,  
18 or other legally-designated representative of a  
19 client."

20 2. Page 2, by inserting after line 33 the follow-  
21 ing:

22 "Sec. 4. NEW SECTION. OWNERSHIP OF RECORDS.  
23 Subject only to a possessory lien by the professional  
24 for any reasonable compensation which has not been  
25 duly paid by the client, the client owns all records  
26 with right of possession upon demand. The lien  
27 attaches only to records which are directly related  
28 to the unpaid compensation.

29 Sec. 5. NEW SECTION. DESTRUCTION OF RECORDS.

30 1. A professional shall not destroy possessed  
31 records until:

32 a. Five years have passed since the records were  
33 developed;

34 b. The professional has offered writing to the  
35 client or representative to deliver possession of  
36 the records; or,

37 c. The client or representative has consented  
38 in writing to destruction.

39 2. If a professional destroys records under  
40 paragraph b or c of subsection one (1) of this section,  
41 the professional shall maintain either:

42 a. A verified affidavit that:

43 (1) Was executed within thirty days of the day  
44 the written offer to deliver possession was mailed;  
45 and,

46 (2) Shows a copy of this written offer and that  
47 it was mailed by restricted certified mail within  
48 twenty-eight days before the records were destroyed;  
49 and,

50 (3) Includes the certified mail receipt signed

1 by the client or representative or refused; and,  
2 (4) Swears that either no answer or unpaid  
3 compensation was received; or,

4 b. A written consent to destroy signed by the  
5 client or representative.

6 Sec. 6. NEW SECTION. REASONABLE COMPENSATION.  
7 A professional may include in any reasonable  
8 compensation charged a charge for delivery of records  
9 to a client. However, this charge shall inhere in  
10 the initial billing or statement for all services  
11 rendered by the professional, whether or not this  
12 billing or statement contains any language to the  
13 contrary. A receipt showing actual delivery of  
14 specified records which is signed by the client or  
15 a legally designated representative shall absolve  
16 the professional from any other or further  
17 responsibility for these records.

18 Sec. 7. NEW SECTION. COPIES OF RECORDS. The  
19 provisions of sections four (4) through seven (7)  
20 of this Act shall not be construed to prohibit a  
21 professional from making and keeping copies of records.  
22 Copies made for the client may be at the client's  
23 expense and copies kept by the professional shall  
24 be at the professional's expense. A charge for the  
25 client's copies shall not include a charge for other  
26 service or advice."

27 3. Page 2, line 36, by inserting before the word  
28 "this" the words "sections one (1) through three (3)  
29 of".

30 4. Page 2, line 37, by inserting after the word  
31 "to" the words "sections one (1) through three (3)  
32 of".

33 5. Page 2, line 38, by inserting before the word  
34 "this" the words "sections one (1) through three (3)  
35 of".

36 6. Page 2, line 39, by inserting after the word  
37 "misdemeanor." the words "A professional who will-  
38 fully refuses to deliver or destroys material in  
39 violation of the provisions of sections four (4)  
40 through seven (7) of this Act is, upon conviction,  
41 guilty of an aggravated misdemeanor."

42 7. Page 2, by striking lines 41 and 42 and in-  
43 serting in lieu thereof the words "determination by  
44 the commissioner that the provisions of sections one  
45 (1) through three (3) of this Act or any rule adopted  
46 pursuant to the provisions of sections one (1) through  
47 three (3) of this Act has been or".

48 8. By renumbering the remaining sections and cor-  
49 recting internal references in accordance with this  
50 amendment.

HOUSE FILE 82

H-3330

- 1 Amend amendment H-3052 to House File 82 as follows:  
2 1. Page 1, line 37, by striking the word "state"  
3 and inserting in lieu thereof the word "state,".  
4 2. Page 2, lines 5 and 6, by striking the words  
5 "protective gloves and aprons and".  
6 3. Page 2, line 7, by striking the word "are"  
7 and inserting in lieu thereof the word "is".

H-3330 FILED - *Adopted 2/21* BY DOYLE of Woodbury  
MARCH 18, 1977 (*p. 924*)

HOUSE FILE 82

H-3341

- 1 Amend amendment H-3052 to House File 82 as  
2 follows:  
3 1. Page 2, by inserting after line 33 the  
4 following:  
5 "Sec. 4. A person shall not install, use,  
6 or place into operation a computerized axial  
A 7 tomography scanner which has not been approved  
8 by the Health Facilities Construction Review  
9 Committee of the department of health prior to  
10 March 1, 1977 or which has not been placed in  
11 operation by the effective date of this Act.  
12 Sec. 5. Section four (4) of this amendment  
13 shall be repealed January 1, 1979."  
14 2. Page 3, by striking lines 3 and 4 and  
15 inserting in lieu thereof the following:  
16 "Sec. \_\_\_\_\_. This Act being deemed of immediate  
B 17 importance, shall take effect and be in force  
18 from and after its publication in The Moravia  
19 Union, a newspaper published in Moravia, Iowa,  
20 and in The Seymour Herald, a newspaper published  
21 in Seymour, Iowa."

H-3341 FILED BY BRUNOW of Appanoose  
H-3341A ADOPTED (*p. 930*)  
H-3341B ADOPTED as amended by 3348  
MARCH 21, 1977

HOUSE FILE 82

H-3348

- 1 Amend amendment H-3341 to House File 82 as  
2 follows:  
3 1. By striking line 16, and inserting in  
4 lieu thereof the following:  
5 "Sec. \_\_\_\_\_. Section four (4) of this Act  
6 being deemed of immediate".

H-3348 FILED, ADOPTED BY BY HARGRAVE of Johnson  
UNANIMOUS CONSENT (*930*)  
MARCH 21, 1977

SENATE AMENDMENT TO  
HOUSE FILE 82

H-5666

- 1 Amend House File 82 as amended, passed and reprinted  
2 by the House as follows:  
3 1. Page 1, line 23, by striking the word "design,".  
4 2. Page 2, line 14, by striking the word "design,".  
5 3. Page 2, line 19, by adding after the word  
6 "dentistry" the following: ", dental hygiene".  
7 4. Page 2, by striking lines 34 and 35.  
8 5. Page 3, by striking lines 1 through 4.  
9 6. Page 3, by striking lines 21 through 27 and  
10 inserting in lieu thereof the following section:  
11 "Sec. \_\_\_\_\_. This Act is effective January 1, 1979."  
12 7. Amend the title, line 2, by striking the word  
13 "design,".

*House concurred as amended by 5720A 4/4 (p. 1347)*

H-5666 FILED  
RECEIVED FROM SENATE  
MARCH 15, 1978

HOUSE FILE 82

H-5720

- 1 Amend the Senate amendment H-5666, to House File  
2 82, as passed by the House and reprinted, as follows:  
3 1. Page 1, by inserting after line 2 the following:  
A 4 "\_\_\_\_\_. Page 1, by inserting after line 5 the  
5 following:  
6 "\_\_\_\_\_. "Materials" means substances other than  
7 equipment which are capable of emitting radiation but  
8 does not include drugs as defined in chapter two hundred  
9 three A (203A) of the Code."  
B 10 2. Page 1, by striking lines 5 and 6.

H-5720 FILED  
MARCH 21, 1978

*A. Adopted; 13 yeas 4/4 (p. 1344)*

BY DOYLE of Woodbury  
MONROE of Des Moines  
O'HALLORAN of Black Hawk  
HOWELL of Floyd  
EVANS of Grundy

HOUSE AMENDMENT TO SENATE AMENDMENT TO

HOUSE FILE 82

S-5515

- 1 Amend the Senate amendment H-5666, to House File  
2 82, as passed by the House and reprinted, as follows:  
3 1. Page 1, by inserting after line 2 the following:  
4 "\_\_\_\_\_. Page 1, by inserting after line 5 the  
5 following:  
6 "\_\_\_\_\_. "Materials" means substances other than  
7 equipment which are capable of emitting radiation  
8 but does not include drugs as defined in chapter two  
9 hundred three A (203A) of the Code."

S-5515 FILED  
APRIL 10, 1978

RECEIVED FROM THE HOUSE

*Senate concurred 4/12 (p. 843)*

H-3052

1 Amend House File 82 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. NEW SECTION. DEFINITIONS. As used  
5 in this Act, unless the context otherwise requires:

6 1. "Commissioner" means the commissioner of public  
7 health or a designee.

8 2. "Department" means the state department of  
9 health.

10 3. "Radiation" means energy forms capable of  
11 causing ionization including alpha particles, beta  
12 particles, gamma rays, X-rays, neutrons, high-speed  
13 protons, and other atomic particles, but does not  
14 include sound or radio waves, or visible light, or  
15 infrared or ultraviolet light.

16 Sec. 2. NEW SECTION. APPLICABILITY. The  
17 provisions of this Act apply to all equipment or  
18 materials which are located in this state and which  
19 are designed to emit radiation. The provisions of  
20 this Act shall not supersede or duplicate the authority  
21 and programs of any other agency of the state or the  
22 United States government. To avoid duplication and  
23 promote coordination of radiation protection ac-  
24 tivities, the department may enter into agreements  
25 pursuant to chapter twenty-eight E (28E) of the Code  
26 with other state and federal agencies, or with private  
27 organizations or individuals, to administer the  
28 provisions of this Act.

29 Sec. 3. NEW SECTION. POWERS AND DUTIES. The  
30 department shall be responsible for regulating the  
31 design, installation and use of radiation-producing  
32 equipment and materials in this state. The department  
33 shall:

34 1. Inspect at the time of installation,  
35 reinstallation or major component change and  
36 periodically inspect thereafter, all equipment and  
37 materials located in this state, for the purpose of  
38 detecting, abating, or eliminating excessive exposure  
39 hazards. The inspection shall include but shall not  
40 be limited to an evaluation of the equipment as well  
41 as the immediate environment to insure that in using  
42 equipment and materials all unnecessary hazards for  
43 patients, personnel, and other persons who may be  
44 exposed to radiation produced by the equipment or  
45 materials are avoided. The department shall establish  
46 rules prescribing operating procedures for equipment  
47 and materials which insure minimum radiation exposure  
48 to patients, personnel, and other persons in the  
49 immediate environment. The inspection shall include  
50 inspection of the tube housing, beam restricting

1 devices, filtration, exposure switches, control panel,  
2 and exposure timing switch. The inspector shall  
3 certify that protections against electrical hazards  
4 as well as the mechanical supporting and restraining  
5 devices used are adequate and that protective gloves  
6 and aprons and a device to monitor radiation expo-  
7 sure are available. All defects and deficiencies  
8 noted by the inspector shall be fully disclosed and  
9 discussed with the responsible persons at the time  
10 of inspection.

11 2. Establish minimum criteria and safety standards  
12 for the design, installation, operation and use of  
13 radiation emitting equipment and materials.

14 3. Establish minimum training standards for  
15 operators. All operators of equipment and users of  
16 material who are licensed by the state to practice  
17 medicine, osteopathy, chiropractic, podiatry, dentistry  
18 or veterinary medicine shall be deemed to have  
19 satisfied the minimum training standards.

20 4. Establish a system for the registration of  
21 the possession of radiation emitting equipment and  
22 materials in the state.

23 5. Establish and collect fees for the registration  
24 and for the periodic inspection of radiation emitting  
25 equipment and materials. Fees shall be in amounts  
26 sufficient to defray the cost of administering the  
27 provisions of this Act. All fees collected shall  
28 be remitted to the treasurer of state who shall deposit  
29 the funds in the general fund of the state.

30 6. Adopt, publish and amend rules, in accordance  
31 with the provisions of chapter seventeen A (17A) of  
32 the Code as may be necessary for the implementation  
33 and enforcement of the provisions of this Act.

34 Sec. 4. NEW SECTION. PENALTIES. It is unlawful  
35 to operate or utilize radiation emitting equipment  
36 or material in violation of the provisions of this  
37 Act or of any rule adopted pursuant to this Act.  
38 Persons convicted of violating the provisions of this  
39 Act shall be guilty of a simple misdemeanor.

40 Sec. 5. NEW SECTION. ENFORCEMENT. Upon  
41 determination by the commissioner that this Act or  
42 any rule adopted pursuant to this Act has been or  
43 is being violated, the commissioner may order that  
44 the radiation emitting equipment or materials not  
45 be used until the necessary corrective action has  
46 been taken. Should the equipment or materials continue  
47 to be used in violation of the order of the  
48 commissioner, the commissioner may request the county  
49 attorney or the attorney general to make an application  
50 in the name of the state to the district court of

1 the county in which the violations may have occurred  
2 for an order to enjoin such violations or practices.

3 Sec. 6. This Act shall take effect January 1,  
4 1978."

5 2. Amend the title by striking lines 1 through  
6 3 and inserting in lieu thereof the words "An Act  
7 placing with the department of health the authority  
8 for regulating the design, installation and use of  
9 radiation emitting equipment and providing a penalty."

H-3122

1 Amend the Committee on Energy Amendment H-3052  
2 to House File 82 as follows:

3 1. Page 3, by inserting after line 2 the fol-  
4 lowing:

5 "Sec. \_\_\_\_ . Section one hundred thirty-five B point  
6 twenty-six (135B.26), Code 1977, is amended to read  
7 as follows:

8 135B.26 COMPENSATION. The contract between the  
9 hospital and doctor in charge of the laboratory or  
10 X-ray facilities may contain any provision for  
11 compensation of each upon which they mutually agree,  
12 ~~provided, however, that no contract shall be entered~~  
13 ~~into which in any way creates the relationship of~~  
14 ~~employer and employee between the hospital and the~~  
15 ~~doctor, and a. A percentage arrangement or a~~  
16 ~~relationship of employer and employee between the~~  
17 ~~hospital and the doctor is not and shall not be~~  
18 ~~construed to be unprofessional conduct on the part~~  
19 ~~of the doctor or in violation of the statutes of this~~  
20 ~~state upon the part of the hospital.~~

21 Sec. \_\_\_\_ . Acts of the Sixty-fifth General Assembly,  
22 1973 Session, chapter two hundred seventy-four (274),  
23 section one (1), unnumbered paragraph one (1), is  
24 amended to read as follows:

25 The general assembly determines that health  
26 maintenance organizations, when properly regulated,  
27 encourage methods of treatment and controls over the  
28 quality of care which effectively contain costs and  
29 provide for continuous health care by undertaking  
30 responsibility for the provision, availability, and  
31 accessibility of services. It is the intent of this  
32 Act that legal barriers be removed to allow a variety  
33 of organizational structures to establish and operate  
34 health maintenance organizations in order to provide  
35 for experimentation with and improvement in this  
36 alternative system of health care delivery. For this  
37 reason, and because the primary responsibility of  
38 a health maintenance organization lies in providing  
39 quality health care services on a prepaid basis without  
40 regard to the type and number of services actually  
41 rendered, rather than providing indemnification against  
42 the cost of such services, the general assembly finds  
43 it necessary to provide a statutory framework for  
44 the establishment and continuing regulation of health  
45 maintenance organizations which is separate from the  
46 insurance laws of this state, except as otherwise  
47 provided in this Act, and the general assembly further  
48 finds it desirable to make a special exception, limited  
49 to health maintenance organizations, in order that  
50 health maintenance organizations may have the option

H-3122

Page 2

1 of contracting with or employing providers of health  
2 care services notwithstanding the provisions of Title  
3 VIII and ~~section one hundred thirty-five B point~~  
4 ~~twenty-six (135B.26)~~ of the Code."

5 2. Page 3, line 6, by inserting after the word  
6 "Act" the words "relating to health laws providing  
7 for agreements between hospitals and doctors and for".

H-3122 FILED, ADOPTED BY SCHROEDER of Pottawattamie  
MARCH 2, 1977. *Rule not germane* BRANDT of Blackhawk  
*3/21 (928)* HARGRAVE of Johnson

HOUSE FILE 82  
FISCAL NOTE

Date Prepared: January 24, 1978  
Requested by: Senator Gallagher

In compliance with a written request received January 9, 1978, there is hereby submitted a Fiscal Note for House File 82, pursuant to Joint Rule 16. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

H.F. 82, An Act placing with the department of health the authority for regulating the installation and use of radiation emitting equipment and providing a penalty.

This proposal creates a division of radiation protection within the state department of health which is required to register all sources of electromagnetic, ionizing and non-ionizing sources of radiation plus radioactive material. The division may establish standards for the installation and use of sources of radiation, and may inspect for radiation hazards and noncompliance with the standards. The bill allows the division to hold training sessions for users but attendance could not be compelled. Language is included to enable Iowa to become an "agreement state", that is, the state, through a contract with the United States nuclear regulatory commission, could assume certain federal responsibilities with regard to radioactive materials. Such agreement would have to be initiated by the governor.

The cost estimate of this proposal is based on the establishment of 4 regional offices and 4 inspectors for conducting an efficient inspection and licensing program of all radiation equipment in the office of doctors, dentists, veterinarians, chiropractors, hospitals, and nursing homes throughout the state.

Start-up costs to be incurred for a six month period beginning July 1, 1978 to December 31, 1978 for planning and implementation	\$ 48,193
Six months operating costs from January 1, 1979 to June 30, 1979	\$ <u>98,902</u>
Total first year expense	\$147,095
Cost for program operation for FY '80 was determined by a 10% personnel cost increase and a 5% increase in other costs	\$233,708

It should be noted, however, that Section 3.5 of the proposal states that fees shall be established and collected in amounts sufficient to defray the cost of administering the provisions of this Act.

SOURCE: Iowa Department of Health

LEGISLATIVE FISCAL BUREAU  
Gerry Rankin, Fiscal Director

HOUSE FILE 82

AN ACT

PLACING WITH THE DEPARTMENT OF HEALTH THE AUTHORITY FOR REGULATING THE INSTALLATION AND USE OF RADIATION EMITTING EQUIPMENT AND PROVIDING A PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. DEFINITIONS. As used in this Act, unless the context otherwise requires:

1. "Commissioner" means the commissioner of public health or a designee.
2. "Department" means the state department of health.
3. "Materials" means substances other than equipment which are capable of emitting radiation but does not include drugs as defined in chapter two hundred three A (203A) of the Code.
4. "Radiation" means energy forms capable of causing ionization including alpha particles, beta particles, gamma rays, X-rays, neutrons, high-speed protons, and other atomic particles, but does not include sound or radio waves, or visible light, or infrared or ultraviolet light.

Sec. 2. NEW SECTION. APPLICABILITY. The provisions of this Act apply to all equipment or materials which are located in this state and which are designed to emit radiation. The provisions of this Act shall not supersede or duplicate the

authority and programs of any other agency of the state or the United States government. To avoid duplication and promote coordination of radiation protection activities, the department may enter into agreements pursuant to chapter twenty-eight E (28E) of the Code with other state and federal agencies, or with private organizations or individuals, to administer the provisions of this Act.

Sec. 3. NEW SECTION. POWERS AND DUTIES. The department shall be responsible for regulating the installation and use of radiation-producing equipment and materials in this state. The department shall:

1. Inspect at the time of installation, reinstallation or major component change and periodically inspect thereafter, all equipment and materials located in this state, for the purpose of detecting, abating, or eliminating excessive exposure hazards. The inspection shall include but shall not be limited to an evaluation of the equipment as well as the immediate environment to insure that in using equipment and materials all unnecessary hazards for patients, personnel, and other persons who may be exposed to radiation produced by the equipment or materials are avoided. The department shall establish rules prescribing operating procedures for equipment and materials which insure minimum radiation exposure to patients, personnel, and other persons in the immediate environment. The inspection shall include inspection of the tube housing, beam restricting devices, filtration, exposure switches, control panel, and exposure timing switch. The inspector shall certify that protections against electrical hazards as well as the mechanical supporting and restraining devices used are adequate and that a device to monitor radiation exposure is available. All defects and deficiencies noted by the inspector shall be fully disclosed and discussed with the responsible persons at the time of inspection.
2. Establish minimum criteria and safety standards for the installation, operation and use of radiation emitting

equipment and materials.

3. Establish minimum training standards for operators. All operators of equipment and users of material who are licensed by the state to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene or veterinary medicine shall be deemed to have satisfied the minimum training standards.

4. Establish a system for the registration of the possession of radiation emitting equipment and materials in the state.

5. Establish and collect fees for the registration and for the periodic inspection of radiation emitting equipment and materials. Fees shall be in amounts sufficient to defray the cost of administering the provisions of this Act. All fees collected shall be remitted to the treasurer of state who shall deposit the funds in the general fund of the state.

6. Adopt, publish and amend rules, in accordance with the provisions of chapter seventeen A (17A) of the Code as may be necessary for the implementation and enforcement of the provisions of this Act.

Sec. 4. NEW SECTION. PENALTIES. It is unlawful to operate or utilize radiation emitting equipment or material in violation of the provisions of this Act or of any rule adopted pursuant to this Act. Persons convicted of violating the provisions of this Act shall be guilty of a simple misdemeanor.

Sec. 5. NEW SECTION. ENFORCEMENT. Upon determination by the commissioner that this Act or any rule adopted pursuant to this Act has been or is being violated, the commissioner may order that the radiation emitting equipment or materials not be used until the necessary corrective action has been taken. Should the equipment or materials continue to be used in violation of the order of the commissioner, the commissioner may request the county attorney or the attorney general to make an application in the name of the state to the district court of the county in which the violations may have occurred

for an order to enjoin such violations or practices.

Sec. 6. This Act is effective January 1, 1979.

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DALE M. COCHRAN  
Speaker of the House

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ARTHUR A. NEU  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 82, Sixty-seventh General Assembly.

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DAVID L. WRAY  
Chief Clerk of the House

Approved May 9, 1978

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ROBERT D. RAY  
Governor