

*Secret Session Resumes To Pass 3/21 (p. 954)*

HOUSE FILE 2110

Human Resources  
Gentleman, Chair  
Gratias  
Hall

HOUSE FILE 2110

BY COMMITTEE ON HUMAN RESOURCES

JAN 23 1984

Place On Calendar

Passed House, Date 1-30-84 (p. 219) Passed Senate, Date 4-3-84 (p. 1269)

Vote: Ayes 92 Nays 0 Vote: Ayes 45 Nays 0

Approved May 16, 1984

*Repassed House 4-5-84 (p. 1686)  
93-1*

## A BILL FOR

1 An Act relating to the regulation of radiation machines and  
2 radioactive materials and providing a civil penalty for  
3 violations.

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

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HF 2110

1 Section 1. NEW SECTION. 136C.6 DUTIES. The department  
2 is designated the state radiation control agency and is  
3 responsible for regulating the installation and use of  
4 radiation machines and the use of radioactive materials in  
5 this state as provided in this chapter. The department shall:

6 1. Establish minimum criteria and safety standards for  
7 the installation, operation, and use of radiation machines  
8 and radioactive materials.

9 2. Establish minimum training standards for operators  
10 of radiation machines and users of radioactive materials.  
11 A state of Iowa license to practice medicine, osteopathy,  
12 chiropractic, podiatry, dentistry, dental hygiene, or  
13 veterinary medicine satisfies the minimum training standards  
14 for operation of radiation machines only.

15 3. Develop programs for evaluation and control of hazards  
16 associated with the use of sources of radiation with due  
17 regard for compatibility of a proposed program with federal  
18 programs regulating byproduct, source, and special nuclear  
19 materials and considering consistency of a proposed program  
20 with federal programs for regulation of radiation machines.

21 4. Adopt, publish, and amend rules in accordance with  
22 chapter 17A as necessary for the implementation and enforcement  
23 of this chapter. The rules may provide for the licensing  
24 and control of radioactive materials with due regard for  
25 compatibility with federal regulatory programs.

26 5. Issue orders as necessary in connection with licensing  
27 and registration of radiation machines and radioactive  
28 materials.

29 6. Advise, consult, and cooperate with other agencies  
30 of the state, the federal government, other states and  
31 interstate agencies, political subdivisions, and other  
32 organizations concerned with control of sources of radiation.

33 7. Encourage, participate in, or conduct studies, in-  
34 vestigations, training, research, and demonstrations relating  
35 to control of sources of radiation.

1 8. Collect and disseminate information relating to control  
2 of sources of radiation. The department shall maintain the  
3 following information on file:

4 a. License applications, issuances, denials, amendments,  
5 transfers, renewals, modifications, suspensions, and revoca-  
6 tions.

7 b. A list of persons possessing sources of radiation  
8 requiring registration under this chapter and any administra-  
9 tive or judicial action involving each person.

10 c. Departmental rules relating to regulation of sources  
11 of radiation, existing or pending, and related actions.

12 9. Adopt rules requiring the keeping of such records with  
13 respect to activities under licenses and registration  
14 certificates issued pursuant to this chapter as the department  
15 determines necessary to effect the purposes of this chapter.

16 Sec. 2. NEW SECTION. 136C.7 ACCEPTANCE OF FUNDS. The  
17 department may accept from any source loans, grants, gifts,  
18 or other funds to be used for programs authorized by this  
19 chapter.

20 Sec. 3. NEW SECTION. 136C.8 INSPECTIONS. The department  
21 shall inspect all radiation machines and radioactive materials  
22 located in this state, for the purpose of detecting, abating,  
23 or eliminating excessive radiation exposure hazards. The  
24 inspection shall include but shall not be limited to an evalua-  
25 tion of the radiation machine or radioactive material as well  
26 as the immediate environment to ensure that in using the  
27 machines or materials all unnecessary hazards for patients,  
28 personnel, and other persons who may be exposed to radiation  
29 produced by the machine or materials are avoided. The  
30 inspection shall also include an evaluation of electrical  
31 hazards as well as the adequacy of mechanical supporting and  
32 restraining devices. All defects and deficiencies noted by  
33 the inspector shall be fully disclosed and discussed with  
34 the responsible persons at the time of inspection. The depart-  
35 ment shall establish rules prescribing operating procedures

1 for radiation machines and radioactive materials which ensure  
2 minimum radiation exposure to patients, personnel, and other  
3 persons in the immediate environment.

4 Sec. 4. NEW SECTION. 136C.9 REGISTRATION AND LICENSE  
5 REQUIREMENTS.

6 1. The department shall establish by rule a system for  
7 the registration of the possession of radiation machines and  
8 for the licensing of radioactive materials in the state.  
9 The rules may provide for the issuance of the following  
10 licenses:

11 a. General licenses which do not require the filing of  
12 an application or the issuance of a document but do permit  
13 designated persons to transfer, acquire, own, possess or use  
14 quantities of or equipment using radioactive materials.

15 b. Specific licenses issued upon application to a person  
16 named in the license to use, manufacture, produce, transfer,  
17 receive, acquire, or possess quantities of or equipment using  
18 radioactive material.

19 2. The department may exempt certain sources of radiation  
20 or kinds of uses or users from the licensing or registration  
21 requirements when the department finds that the exemption  
22 of the source of radiation, use, or users will not pose a  
23 significant risk to the health and safety of the public.  
24 The rules may provide for recognition of other state or federal  
25 licenses as the department may allow, subject to registration  
26 requirements as the department may prescribe.

27 3. A person shall not use, manufacture, produce, dis-  
28 tribute, sell, transport, transfer, install, repair, receive,  
29 acquire, own, or possess any radioactive material without  
30 a license from the department as provided in this chapter.

31 Sec. 5. NEW SECTION. 136C.10 FEES. The department shall  
32 establish and collect fees for the licensing and amendment  
33 of licenses for radioactive materials, the registration of  
34 radiation machines, and the periodic inspection of radiation  
35 machines and radioactive materials. Fees shall be in amounts

1 sufficient to defray the cost of administering this chap-  
2 ter. The license fee may include the cost of environmental  
3 surveillance activities to assess the radiological impact  
4 of activities conducted by licensees. Fees collected shall  
5 be remitted to the treasurer of state who shall deposit the  
6 funds in the general fund of the state. When a registrant  
7 or licensee fails to pay the applicable fee the department  
8 may suspend or revoke the registration or license or may issue  
9 an appropriate order. Fees for the license, amendment of  
10 a license, and inspection of radioactive material shall not  
11 exceed the fees prescribed by the United States nuclear  
12 regulatory commission.

13 Sec. 6. NEW SECTION. 136C.11 FEDERAL-STATE AGREEMENTS.

14 1. The governor, on behalf of the state, may enter into  
15 an agreement with the United States nuclear regulatory  
16 commission pursuant to section 274b of the Atomic Energy Act  
17 of 1954, as amended to the effective date of this Act,  
18 providing for the discontinuation of certain federal licensing  
19 and related regulatory authority over byproduct, source, and  
20 special nuclear material and the assumption of regulatory  
21 authority over these materials by the state.

22 2. A person who, on the effective date of an agreement  
23 made under subsection 1, possesses a license issued by the  
24 United States nuclear regulatory commission for radioactive  
25 material that come under the agreement is considered to possess  
26 the license required under this chapter. The license shall  
27 expire either ninety days after receipt from the department  
28 of a notice of expiration of the license, or on the date of  
29 expiration specified in the license issued by the nuclear  
30 regulatory commission, whichever is earlier.

31 Sec. 7. NEW SECTION. 136C.12 CONFLICTING LAWS. This  
32 chapter does not preempt ordinances, resolutions, or rules  
33 of a local government or of a state agency relating to  
34 radioactive material that are consistent with this chapter.  
35 This chapter does not give the department the authority to

1 regulate a facility for the disposal of low-level radioactive  
2 waste as defined in article II of section 8C.1.

3 Sec. 8. NEW SECTION. 136C.13 EMERGENCIES. If the  
4 department finds that an emergency exists involving radioactive  
5 material or radiation machines that requires immediate action  
6 to protect the public health and safety, the department may,  
7 without notice or hearing, issue an order stating that an  
8 emergency exists and requiring that action be taken as neces-  
9 sary to meet the emergency. An emergency order shall be  
10 effective immediately. A person to whom the order is directed  
11 shall comply with the order immediately, but on application  
12 to the department shall be afforded a hearing within ten days  
13 of the date application is made. The emergency order may  
14 be continued, modified, or revoked within thirty days after  
15 the hearing, based on the evidence presented at the hearing.

5582 16 Sec. 9. NEW SECTION. 136C.14 SURETY REQUIREMENTS.

17 1. The department shall adopt rules establishing surety  
18 requirements for persons licensed to possess radioactive  
19 material. The surety shall be conditioned on the comple-  
20 tion by the licensee of requirements established by the  
21 department for the decontamination, closure, decommissioning,  
22 reclamation, and long-term care as necessary of sites,  
23 structures, and equipment used by the licensee in connection  
24 with the licensed activity.

25 2. Acceptable sureties include bonds issued by fidelity  
26 or surety companies authorized to do business in Iowa, cash  
27 deposits, certificates of deposit, deposits of government  
28 securities, irrevocable letters or lines of credit, trust  
29 funds, escrow accounts, or similar guarantees of financial  
30 responsibility, but do not include any arrangement which  
31 constitutes self insurance.

32 3. Forfeited sureties shall be paid to the treasurer of  
33 state who shall deposit the money in a special account for  
34 radiation site closure and reclamation. Moneys received from  
35 a licensee and deposited in the account are appropriated to

1 the department in amounts necessary to satisfy the department's  
2 requirements for the decontamination, closure, decommissioning,  
3 reclamation, and long-term care as necessary of sites,  
4 structures, and equipment of the licensee forfeiting the  
5 surety. Any moneys received on behalf of a specific licensee  
6 remaining in the account after satisfaction of department  
7 requirements for that licensee shall be transferred to the  
8 general fund of the state.

9 Sec. 10. Section 136C.1, Code 1983, is amended to read  
10 as follows:

11 136C.1 DEFINITIONS. As used in this chapter, unless the  
12 context otherwise requires:

13 1. "Commissioner" means the commissioner of public health  
14 or a the commissioner's designee.

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

16 ~~3. "Materials" means substances other than equipment which~~  
17 ~~are capable of emitting radiation but does not include drugs~~  
18 ~~as defined in chapter 203A.~~

19 3. "Decommissioning" means final operational activities  
20 at a site to dismantle site structures, to decontaminate site  
21 surfaces and remaining structures, to stabilize and contain  
22 residual radioactive material, and to carry out any other  
23 activities to prepare the site for postoperational care.

24 4. "Radiation" means energy forms capable of causing  
25 ionization including alpha particles, beta particles, gamma  
26 rays, X rays, neutrons, high-speed protons, and other atomic  
27 particles, but does not include sound or radio waves, or  
28 visible light, or infrared or ultraviolet light.

29 5. "Radiation machine" means a device capable of producing  
30 radiation except those that produce radiation solely from  
31 radioactive material.

32 6. "Radioactive material" means a solid, liquid, or gaseous  
33 material that emits radiation spontaneously including  
34 accelerator-produced and naturally occurring material, and  
35 byproduct, source, and special nuclear material as defined

1 in the Atomic Energy Act of 1954 as amended to the effective  
2 date of this Act.

3 Sec. 11. Section 136C.2, Code 1983, is amended to read  
4 as follows:

5 136C.2 APPLICABILITY. ~~The provisions of this~~ This chapter  
6 apply ~~applies~~ to all equipment or materials which are radiation  
7 machines and radioactive material located in this state ~~and~~  
8 ~~which are designed to emit radiation.~~ The provisions of this  
9 chapter ~~shall~~ do not supersede or duplicate the authority  
10 and programs of any other agency of the state or the United  
11 States government. To avoid duplication and promote co-  
12 ordination of radiation protection activities, the department  
13 may enter into agreements pursuant to chapter 28E with other  
14 state and federal agencies, or with private organizations  
15 or individuals, to administer ~~the provisions of~~ this chapter.

16 Sec. 12. Section 136C.4, Code 1983, is amended to read  
17 as follows:

18 136C.4 PENALTIES.

19 1. It is unlawful to operate or ~~utilize~~ use radiation  
20 ~~emitting equipment or material~~ machines or radioactive material  
21 in violation of ~~the provisions of~~ this chapter or of any rule  
22 adopted pursuant to this chapter. Persons convicted of  
23 violating ~~the provisions~~ a provision of this chapter ~~shall~~  
24 be ~~are~~ guilty of a simple misdemeanor.

25 2. In addition to criminal penalties, the department may  
26 impose a civil penalty not to exceed one thousand dollars  
27 on a person who violates a provision of this chapter or a  
28 rule or order issued under this chapter, or a term, condition,  
29 or limitation of a license or registration certificate issued  
30 under this chapter, or who commits a violation for which a  
31 license or registration certificate may be revoked under rules  
32 issued pursuant to this chapter. Each day of continuing  
33 violation constitutes a separate offense in computing the  
34 civil penalty.

35 3. The department shall notify a person of the intent

1 to impose a civil penalty against the person. The notice  
2 shall be by registered or certified mail to the person's last  
3 known address and shall state the date, facts, the nature  
4 of the act or omission leading to the charge, the specific  
5 statute, rule, or license or registration provision involved,  
6 and the amount of the penalty the department proposes to  
7 impose. The notice shall advise the person that upon failure  
8 to pay the civil penalty, the penalty may be collected by  
9 civil action. The person shall have the opportunity to respond  
10 in writing, within a reasonable time as the department shall  
11 establish by rule, why the civil penalty should not be imposed.

12 4. The department may compromise, mitigate, or remit a  
13 civil penalty imposed under this section. A person upon whom  
14 a civil penalty is imposed may appeal the action pursuant  
15 to chapter 17A. The department shall remit moneys collected  
16 from civil penalties to the treasurer of state who shall  
17 deposit the moneys in the general fund of the state.

18 Sec. 13. Section 136C.5, Code 1983, is amended to read  
19 as follows:

20 136C.5 ENFORCEMENT.

21 1. Upon determination by the ~~commissioner~~ department that  
22 this chapter or any rule adopted pursuant to this chapter  
23 has been or is being violated, the ~~commissioner~~ department  
24 may order that the radiation ~~emitting-equipment-or-materials~~  
25 machine or radioactive material not be used until the necessary  
26 corrective action has been taken. ~~Should-the-equipment-or~~  
27 ~~materials-continue-to-be-used~~ If the use of the radiation  
28 machine or radioactive material continues in violation of  
29 the order of the ~~commissioner~~ department, the ~~commissioner~~  
30 department may request the county attorney or the attorney  
31 general to make an application in the name of the state to  
32 the district court of the county in which the violations may  
33 have occurred for an order to enjoin ~~such~~ the violations or  
34 practices.

35 2. The department may impound or order the impounding

1 of radioactive material in the possession of a person who  
2 is not equipped to observe or fails to observe a provision  
3 of this chapter or of a rule adopted under this chapter.

5592 4 3. The department may enter at reasonable times any private  
5 or public property to determine whether there is a violation  
6 of a provision of this chapter or of a rule issued under this  
7 chapter. However, the department must have the consent of  
8 the federal government before entering an area under the  
9 jurisdiction of the federal government.

10 4. The department may inspect records required to be kept  
11 under section 136C.6, subsection 9. Upon request of the  
12 department a person shall submit the records to the department  
13 for inspection.

14 Sec. 14. Section 136C.3, Code 1983, is repealed.

15 EXPLANATION

16 Chapter 136C of the Code currently gives the department  
17 of health the authority to establish standards for the  
18 installation and operation and to register and inspect  
19 radiation emitting equipment including X-ray machines,  
20 accelerators, and natural and accelerator produced radioactive  
21 material. This bill expands that authority to include  
22 licensing and inspection of source material (natural uranium  
23 and thorium), byproduct material (radioisotopes), and small  
24 quantities of fissionable (special nuclear) material. This  
25 is accomplished by entering into an agreement with the United  
26 States nuclear regulatory commission to assume the licensing  
27 and inspection authority NRC currently exercises over these  
28 materials. The bill does not provide for state regulation  
29 over nuclear facilities such as reactors.

30 The bill also allows the department to require licensees  
31 to provide a surety conditioned on the performance of certain  
32 obligations relating to the licensed use including decontamina-  
33 tion, closure, decommissioning, reclamation, and long-term  
34 care if necessary.

35 The bill permits the imposition of a civil penalty not

1 to exceed \$1,000 on violators of the statute or rules.  
2 The bill takes effect July 1 following enactment.

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HOUSE FILE 2110

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1 Amend House File 2110 as passed by the House as  
2 follows:

3 1. Page 1, by striking lines 9 through 14.

4 2. Page 9, by inserting after line 13 the  
5 following:

6 "Sec. 14. Chapter 147, Code 1983, is amended by  
7 adding sections 14 through 22 of this Act as a new  
8 division.

9 Sec. 15. NEW SECTION. 147.160 DEFINITIONS.

10 For the purpose of this division:

11 1. "Board" means the radiologic technology board  
12 of examiners created by section 147.162.

13 2. "License" means a certificate issued by the  
14 board authorizing the licensee to use equipment  
15 emitting ionizing radiation on humans for diagnostic  
16 or therapeutic purposes in accordance with this  
17 chapter.

18 3. "Licensed practitioner" means a person licensed  
19 or otherwise authorized by law to practice medicine,  
20 osteopathy, podiatry, chiropractic, dentistry, dental  
21 hygiene, or veterinary medicine.

22 4. "Radiologist" means a physician who has been  
23 educated and is skilled in the diagnostic and  
24 therapeutic use of X rays and other forms of radiant  
25 energy.

26 5. "Radiologic technologist" means a person who  
27 is a radiographer, a limited radiographer, a radiation  
28 therapy technologist, or a nuclear medicine tech-  
29 nologist licensed pursuant to this chapter.

30 6. "Radiologic technology" means the use of  
31 equipment or substances emitting ionizing radiation  
32 on humans for diagnostic or therapeutic purposes.

33 7. "Radiographer" means a person, other than a  
34 licensed practitioner, whose application of radiation  
35 to humans is for diagnostic purposes.

36 8. "Limited radiographer" means a person, other  
37 than a licensed practitioner, whose application of  
38 radiation to humans for diagnostic purposes is limited  
39 to specific parts of the body as provided in section  
40 147.161, subsection 5.

41 9. "Nuclear medicine technologist" means a person,  
42 other than a licensed practitioner, whose application  
43 of radiopharmaceutical agents is for diagnostic  
44 purposes.

45 10. "Radiation therapy technologist" means a  
46 person, other than a licensed practitioner, whose  
47 application of radiation to humans is for therapeutic  
48 purposes.

49 Sec. 16. NEW SECTION. 147.161 USE OF RADIATION  
50 RESTRICTED, LICENSE REQUIRED.

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1 1. Except as provided in this chapter, a person  
2 other than a licensed practitioner or the holder of  
3 a license as provided in this chapter shall not use  
4 X rays or other forms of ionizing energy on humans.

5 2. A person holding a license as a radiographer  
6 may use the title, "licensed radiographer" or the  
7 letters L.R. after the person's name. No other person  
8 is entitled to use the title or letters or any other  
9 title or letters that indicate or imply that the  
10 person is a licensed radiographer, nor may a person  
11 make any representation, orally or in writing,  
12 expressly or by implication, that the person is a  
13 licensed radiographer.

14 3. A person holding a license as a radiation  
15 therapy technologist may use the title "licensed  
16 radiation therapy technologist" or L.R.T.T. after  
17 the person's name. No other person is entitled to  
18 use the title or letters, or any other title or letters  
19 that indicate or imply that the person is a licensed  
20 radiation therapy technologist, nor may a person make  
21 any representation, orally or in writing, expressly  
22 or by implication, that the person is a licensed  
23 radiation therapy technologist.

24 4. A person holding a license as a nuclear medicine  
25 technologist may use the title "licensed nuclear  
26 medicine technologist" or L.N.M.T. after the person's  
27 name. No other person is entitled to use the title  
28 or letters, or any other title or letters that indicate  
29 or imply that the person is a licensed nuclear medicine  
30 technologist, nor may a person make any representation,  
31 orally or in writing, expressly or by implication,  
32 that the person is a licensed nuclear medicine  
33 technologist.

34 5. A person holding a license as a limited  
35 radiographer may apply x-radiation to one specific  
36 part of the human body for diagnostic purposes while  
37 under the supervision of a licensed practitioner.  
38 A person holding a license as a limited radiographer  
39 who has received appropriate clinical experience  
57/540 during required training may apply x-radiation to  
41 the human body for diagnostic purposes, while under  
42 the supervision of a licensed practitioner, in the  
43 extremities and the chest area. The person may use  
44 the title "licensed limited radiographer" or L.L.R.  
45 after the person's name. No other person is entitled  
46 to use the title or letters, or any other title or  
47 letters that indicate or imply that the person is  
48 a licensed limited radiographer, nor may a person  
49 make any representation, orally or in writing, ex-  
50 pressly or by implication, that the person is a

1 licensed limited radiographer.

2 6. A person holding a license as provided by this  
3 chapter shall use medical equipment or substances  
4 emitting ionizing radiation on humans only for  
5 diagnostic or therapeutic purposes on a case-by-case  
6 basis at the direction of a licensed practitioner,  
7 and only if the application of the equipment or  
8 substance is limited in the manner specified.

9 7. The provisions of this chapter shall not be  
10 applicable to practitioners.

11 8. The requirement of a license does not apply  
12 to a hospital resident specializing in radiology who  
13 is not a licensed practitioner in the state of Iowa,  
14 or to a student enrolled in and attending a school  
15 or college of medicine, osteopathy, chiropractic,  
16 podiatry, denistry, dental hygiene, veterinary  
17 medicine, or radiologic technology who applies  
18 radiation while under the supervision of a licensed  
19 practitioner.

20 9. The requirement of a license does not apply  
21 to a person licensed as a dental hygienist by the  
22 board of dental examiners or a person holding a valid  
23 certificate of qualification in dental radiography  
24 issued by the board of dental examiners or a person  
25 enrolled in a program or course of study approved  
26 by the department who applies radiation to humans  
27 as a part of the program or course of study.

28 Sec. 17. NEW SECTION. 147.162 BOARD OF EXAMINERS  
29 CREATED.

30 1. A radiologic technology board of examiners  
31 is created. The board shall consist of six members,  
32 with five members appointed by the governor according  
33 to chapter 69 and subject to confirmation by the  
34 Senate. No more than two of the members appointed  
35 by the governor may be radiologic technologists and  
36 the remaining members not licensed in the profession  
37 shall be chosen from the general public. The  
38 commissioner of public health or a designee of the  
39 commissioner who may be a member of the radiological  
40 health department of the state of Iowa shall serve  
41 as an ex officio member of the board.

42 2. Members appointed by the governor shall serve  
43 at the pleasure of the governor for a term of office  
44 of four years beginning and ending as provided in  
45 section 69.19. Vacancies shall be filled for an  
46 unexpired term only in the manner provided in chapter  
47 69.

48 3. Members of the board shall serve without  
49 compensation but shall be reimbursed for their  
50 reasonable and necessary traveling and other expenses

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1 incurred in the performance of their official duties.

2 4. The commissioner shall designate an officer  
3 or employee of the department who is not a member  
4 of the board to act as a secretary to the board.

5 5. The board, for the purpose of transacting its  
6 business, shall meet at least every six months at  
7 times and places fixed by the board. At its first  
8 meeting each year it shall organize and elect from  
9 its members a chairperson. Special meetings also  
10 may be held at a time that the majority of the board  
11 may fix, or at the call of the chairperson or the  
12 commissioner. A written and timely notice of the  
13 time, place, and purpose of a special meeting shall  
14 be mailed by the secretary to all members of the  
15 board.

16 6. A majority of the members of the board is a  
17 quorum for the transaction of business at any meeting.

18 Sec. 18. NEW SECTION. 147.163 LICENSE--  
19 EXAMINATION FEE--STANDARDS--COURSE OF STUDY.

20 1. The board shall admit to examination for  
21 licensing, any applicant who pays to the department  
22 a nonrefundable fee established by rule of the board  
23 and submits satisfactory evidence, verified by oath  
24 or affirmation, that the applicant:

25 a. At the time of application is at least eighteen  
26 years of age.

27 b. Has successfully completed a course of study  
28 in a secondary school approved by the state board  
29 of education, or passed an approved equivalency test.

30 2. In addition to the requirements of subsection  
31 1, a person seeking to obtain a license in a specific  
32 area of radiologic technology must comply with the  
33 following requirements:

34 a. An applicant for a license as a radiographer  
35 or limited radiographer must have satisfactorily  
36 completed a course of study in radiography approved  
37 by the board, or its equivalent as determined by the  
38 board. The essentials and curriculum for the course  
39 may follow the committee on allied health education  
40 and accreditation (CAHEA) standards, provided that  
41 the standards are not in conflict with board policy.

42 b. An applicant for a license as a radiation  
43 therapy technologist must have satisfactorily completed  
44 a course of study in radiation therapy technology  
45 approved by the board or its equivalent as determined  
46 by the board. The essentials and curriculum for the  
47 course may follow the committee on allied health  
48 education and accreditation (CAHEA) standards, provided  
49 that the standards are not in conflict with board  
50 policies.

1 c. The program of nuclear medicine technology  
2 shall be a course of study approved by the board or  
3 its equivalent as determined by the board, in addition  
4 to education required for entrance to a nuclear  
5 medicine educational program. The essentials and  
6 curriculum for the course may follow the committee  
7 on allied health education and accreditation (CAHEA)  
8 standards provided that the standards are not in  
9 conflict with board policies.

10 3. The board shall admit to examination for  
11 licensing, for two years after the date of enactment  
12 of this law, any person meeting the requirements of  
13 subsection 1 of this section and who has been actively  
14 employed as a radiographer, limited radiographer,  
15 radiation therapy technologist, or nuclear medicine  
16 technologist for a minimum of three of the last five  
17 years.

18 4. The board shall establish criteria and standards  
19 for programs of study for radiography, limited  
20 radiography, radiation therapy technology, or nuclear  
21 medicine technology and approve these programs upon  
22 a finding that the standards and criteria have been  
23 met.

24 5. An approved program of radiologic technology  
25 may be offered by a medical or educational institution  
26 or other public or private agency or institution,  
27 and, for the purpose of providing the requisite  
28 clinical experience, shall be affiliated with one  
29 or more hospitals or clinics that, in the opinion  
30 of the board, are likely to provide the experience.

31 Sec. 19. NEW SECTION. 147.164 LICENSE ISSUED  
32 OR EXAMINATION OR EQUIVALENT.

33 1. An applicant is required to pass a license  
34 examination designated and approved by the board for  
35 the applicable speciality.

36 2. The board shall hold an examination for each  
37 type of license at least every six months at times  
38 and places as the board may determine.

39 3. An applicant who fails to pass the examination  
40 may reapply for the examination provided the applicant  
41 complies with the conditions established by the board.

42 4. The board may accept, in lieu of its own  
43 examination, a current certificate of a recognized  
44 credentialing body, issued on the basis of an  
45 examination satisfactory to the board, provided that  
46 the standards of that agency are at least as stringent  
47 as those established by the board.

48 5. The board shall accept, in lieu of its own  
49 examination, a current certificate, registration,  
50 or license as a radiologic technologist issued by

1 another state, provided that the standards in the  
2 other state are at least as stringent as those  
3 established by the board.

5718 4 Sec. 20. NEW SECTION. 147.165 LICENSE ISSUED-  
5 -TEMPORARY AND CONDITIONAL LICENSE--RENEWAL AND  
6 REISSUANCE.

7 1. The board shall issue a license to a candidate  
8 who has paid the prescribed fee and has either  
9 successfully passed the examination, or has qualified  
10 under subsection 4, 5, or 6 of section 7 of this Act.

11 2. The board, at its discretion, may issue a  
12 temporary license to a person whose license or  
13 relicense is pending and in whose case the issuance  
14 of a temporary license is justified by reason of  
15 special circumstances. A temporary license shall  
16 be issued only if the board finds that its issuance  
17 will not violate the purposes of this chapter nor  
18 tend to endanger the public health and safety. A  
19 temporary license shall expire ninety days after the  
20 date of the next examination if the applicant is  
21 required to take the examination, or if the applicant  
22 does not take the examination, then on the date of  
23 the examination. In all other cases, a temporary  
24 license shall expire when the determination is made  
25 either to issue or deny the applicant a regular license  
26 and a temporary license shall not be issued for a  
27 period longer than one hundred eighty days.

28 3. The board, at its discretion, may issue a  
29 conditional license to a person upon individual  
30 application when the board finds to its satisfaction  
31 that there is substantial evidence that the people  
32 in the locality of the state in which the conditional  
33 license is sought would be denied adequate health  
34 care because of unavailability of appropriately  
35 licensed persons under the standards of this chapter.  
36 A conditional permit shall be issued only if the board  
37 finds that its issuance will not violate the purposes  
38 of this chapter nor tend to endanger the public health  
39 and safety. A conditional license shall expire one  
40 hundred eighty days after issuance and may be renewed  
41 upon application.

42 4. A radiologic technologist shall display a  
43 current license at the technologist's place of  
44 employment.

45 5. A license is renewable on December 31 of each  
46 year following the year of issuance. A license shall  
47 be renewed by the board for a period of one year upon  
48 payment of a renewal fee in an amount to be determined  
49 by rule of the commissioner and the submission of  
50 proof of at least fifteen hours of continuing education

1 relevant to the profession.

2 6. A radiologic technologist who has been duly  
3 licensed in this state and whose license has not been  
4 revoked or suspended, and who has temporarily ceased  
5 activities as a radiologic technologist for no more  
6 than five years, may apply for the reissuance of a  
7 license upon compliance with the application provisions  
8 of this chapter, including payment of any outstanding  
9 fee.

10 Sec. 21. NEW SECTION. 147.166 SUSPENSION OF  
11 LICENSE--HEARING.

12 1. The license of a radiologic technologist may  
13 be suspended for a fixed period, or may be revoked,  
14 or the technologist may be otherwise disciplined,  
15 in accordance with the provisions and procedures  
16 defined in chapter 285A, if after due hearing it is  
17 determined that the technologist:

18 a. Is guilty of fraud or deceit in activities  
19 as a radiologic technologist or in procuring a license.

20 b. Has been convicted in a court of competent  
21 jurisdiction, either within or without this state,  
22 of a crime involving moral turpitude, except that  
23 if the conviction has been reversed and the holder  
24 of the license discharged or acquitted, or if the  
25 holder has been pardoned or the person's civil rights  
26 restored, the license may be restored.

27 c. Is or has been afflicted with any medical  
28 problem, disability, or addiction which, in the opinion  
29 of the board, would impair professional competence.

30 d. Has aided and abetted a person who is not a  
31 licensed radiologic technologist or otherwise  
32 authorized pursuant to this chapter in engaging in  
33 the activities of a radiologic technologist.

34 e. Has undertaken or engaged in a practice beyond  
35 the scope of the authorized activities of a radiologic  
36 technologist pursuant to this chapter.

37 f. Has falsely impersonated a duly licensed or  
38 formerly duly licensed radiologic technologist or  
39 is engaging in the activities of a radiologic  
40 technologist under an assumed name.

41 g. Has been guilty of unethical conduct as defined  
42 by rules adopted by the board.

43 h. Has continued to practice without obtaining  
44 a license renewal as required by this chapter.

45 i. Has applied ionizing radiation to humans without  
46 the specific direction of a duly licensed practitioner,  
47 or to any person or part of the human body outside  
48 the scope of the technologist's specific authorization.

49 j. Has expressed to a member of the public an  
50 interpretation of a diagnostic X ray film or

S-5570  
PAGE 8

1 fluorescent image.

2 k. Is or has been found guilty of incompetence  
3 or negligence in activities as a radiologic  
4 technologist.

5 2. The board shall prescribe rules of procedure  
6 by which it will suspend or revoke a license or impose  
7 any other sanction as authorized by chapter 258A.  
8 The rules shall conform to the contested case  
9 provisions of chapter 17A.

10 3. When the license of any person has been revoked  
11 or annulled, the board may accept an application for  
12 restoration of the license after the expiration of  
13 two years.

14 Sec. 22. NEW SECTION. 147.167 EMPLOYMENT OF  
15 UNLICENSED RADIATION TECHNOLOGIST PROHIBITED. A  
16 person shall not knowingly employ as a radiologic  
17 technologist, a person who requires and does not  
18 possess a valid license to engage in the practice  
19 of radiologic technology."

20 3. Page 9, by inserting after line 14 the  
21 following:

22 "Sec. 24. Of the initial board members appointed  
23 by the governor according to section 17 of this Act,  
24 the terms of two members as chosen by the governor  
25 shall expire on April 30, 1985, and the terms of the  
26 remaining members shall expire on April 30, 1987."

27 4. By renumbering as required by this amendment.

28 5. Title page, line 1, by inserting after the  
29 word "regulation" the words "and operation".

S-5570 FILED

MARCH 27, 1984

*Adopted as amended 4/3 (p. 1268)*

BY TOM SLATER

ROBERT M. CARR

ARTHUR A. SMALL, JR.

CHARLES P. MILLER

HOUSE FILE 2110

S-5582

1 Amend House File 2110 as passed by the House as  
2 follows:

A 3 1. By striking page 5, line 16, through page 6,  
4 line 8.

5 2. Page 9, line 3, by striking the words "or of a  
6 rule adopted under this chapter".

B 7 3. Page 9, lines 6 and 7, by striking the words  
8 "or of a rule issued under this chapter".

S-5582 FILED

MARCH 28, 1984

*Adopted 3/28 (p. 1109)*

*Motion to reconsider 3/29 (p. 1171)*

*Reconsidered A- adopted; B- w/d 4/3 (p. 1269)*

BY JULIA GENTLEMAN

SENATE AMENDMENT TO HOUSE FILE 2110

H-6074

1 Amend House File 2110 as passed by the House as  
2 follows:

3 1. By striking page 5, line 16 through page 6,  
4 line 8.

5 2. Page 6, by inserting after line 8 the following:

6 "Sec. 10. Chapter 136C, Code 1983, is amended

7 by adding the following new section:

8 NEW SECTION. 136C.15 QUALIFIED OPERATORS--DISPLAY  
9 OF CREDENTIALS.

10 1. A person, other than a licensed professional,  
11 shall not operate equipment or use materials for  
12 medical treatment or diagnostic purposes unless that  
13 person has completed a course of instruction approved  
14 by the department or has otherwise met the minimum  
15 training established by the department.

16 2. A person, other than a licensed professional,  
17 who operates equipment or uses materials for medical  
18 treatment or diagnostic purposes shall display the  
19 credentials which indicate that person's qualification  
20 to operate equipment or use materials in the immediate  
21 vicinity of the equipment or where the materials are  
22 stored. A person who owns or controls the equipment  
23 or materials is also responsible for the proper display  
24 of credentials of those who operate the equipment  
25 or use the materials and shall not employ a person  
26 to operate equipment or use materials for medical  
27 treatment or diagnostic purposes except as provided  
28 in this section."

29 2. Page 7, by inserting after line 2 the following:

30 "Licensed professional" means a person licensed  
31 or otherwise authorized by law to practice medicine,  
32 osteopathy, podiatry, chiropractic, dentistry, dental  
33 hygiene, or veterinary medicine."

H-6074 FILED APRIL 3, 1984

RECEIVED FROM THE SENATE

*House concurred 4/5 (p. 1685)*

SENATE 10  
MARCH 30, 1984

HOUSE FILE 2110

S-5660

1 Amend Senate amendment S-5570 to House File 2110  
2 as passed by the House as follows:

3 1. By striking page 1, line 3 through page 8,  
4 line 29 and inserting in lieu thereof the following:

5 "1. Page 6, by inserting after line 8 the  
6 following:

7 "Sec. 10. Chapter 136C, Code 1983, is amended  
8 by adding the following new section:

9 NEW SECTION. 136C.15 QUALIFIED OPERATORS--DISPLAY  
10 OF CREDENTIALS.

11 1. A person, other than a licensed professional,  
12 shall not operate equipment or use materials for  
13 medical treatment or diagnostic purposes unless that  
14 person has completed a course of instruction approved  
15 by the department or has otherwise met the minimum  
16 training established by the department.

17 2. A person, other than a licensed professional,  
18 who operates equipment or uses materials for medical  
19 treatment or diagnostic purposes shall display the  
20 credentials which indicate that person's qualification  
21 to operate equipment or use materials in the immediate  
22 vicinity of the equipment or where the materials are  
23 stored. A person who owns or controls the equipment  
24 or materials is also responsible for the proper display  
25 of credentials of those who operate the equipment  
26 or use the materials and shall not employ a person  
27 to operate equipment or use materials for medical  
28 treatment or diagnostic purposes except as provided  
29 in this section."

30 2. Page 7, by inserting after line 2 the following:

31 "Licensed professional" means a person licensed  
32 or otherwise authorized by law to practice medicine,  
33 osteopathy, podiatry, chiropractic, dentistry, dental  
34 hygiene, or veterinary medicine."

S-5660 FILED  
MARCH 29, 1984

BY EDGAR H. HOLDEN

*Adopted 4/3 (p. 1268)*

S-5718

1 Amend the amendment S-5570 to House File 2110 as  
2 passed by the House as follows:

3 1. Page 2, line 40, by inserting after the word  
4 "may" the word "also".

5 2. Page 3, line 10, by inserting after the word  
6 "to" the word "licensed".

7 3. Page 6, by inserting after line 3 the following:

8 "6. The board shall issue a license as a limited  
9 radiographer to any person who meets the requirements  
10 of chapter 42 of the Iowa administrative code for  
11 "limited diagnostic radiographer" on or before the  
12 effective date of this Act.

13 7. The board shall issue a license as a  
14 radiographer to any person who meets the requirements  
15 of chapter 42 of the Iowa administrative code for  
16 "general diagnostic radiographer" on or before the  
17 effective date of this Act.

18 8. The board shall issue a conditional license  
19 to any person who meets the requirements of chapter  
20 42 of the Iowa administrative code for "conditional  
21 diagnostic radiographer (hardship)" on or before the  
22 effective date of this Act."

S-5718 FILED  
APRIL 2, 1984

BY HURLEY W. HALL  
MERLIN D. HULSE

*Out of order 4/3 (p. 1268)*

HOUSE FILE 2110  
FISCAL NOTE  
REQUESTED BY REPRESENTATIVE RUNNING

In compliance with a written request received January 23, 1984, there is hereby submitted a Fiscal Note for House File 2110 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the General Assembly upon request.

House File 2110 expands the authority of the health department granted under Chapter 136C. Currently, the Code gives the department the authority to establish standards for the installation, operation, registration and inspection of radiation emitting equipment. This bill expands the authority to include licensing and inspection of source, by product and small quantities of fissionable (special nuclear) material. This is accomplished by entering into a compact with the Nuclear Regulatory Commission (NRC) to assume the licensing and inspection authority NRC currently exercises over these materials.

The bill also allows the department to charge a fee for the licensing and other services provided for under this Chapter. It requires that the fees be sufficient enough to offset the cost of administering this Chapter.

The health department's assessment of the cost to administer this program is as follows:

	<u>FY 1986</u>	<u>FY 1987</u>
Cost to administer	\$ 68,172	\$ 63,246
Revenue generated	<u>55,664</u>	<u>61,230</u>
Net fiscal impact	\$ <u><u>12,508</u></u>	\$ <u><u>2,016</u></u>

The difference in fiscal impact for the two years is the purchasing of equipment the first year to implement the Chapter.

Source: Department of Health (3185H,84-061,KAC)

FILED JANUARY 25, 1984

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2110

AN ACT

RELATING TO THE REGULATION OF RADIATION MACHINES AND RADIOACTIVE MATERIALS AND PROVIDING A CIVIL PENALTY FOR VIOLATIONS.

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

Section 1. NEW SECTION. 136C.6 DUTIES. The department is designated the state radiation control agency and is responsible for regulating the installation and use of radiation machines and the use of radioactive materials in this state as provided in this chapter. The department shall:

1. Establish minimum criteria and safety standards for the installation, operation, and use of radiation machines and radioactive materials.
2. Establish minimum training standards for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine satisfies the minimum training standards for operation of radiation machines only.
3. Develop programs for evaluation and control of hazards associated with the use of sources of radiation with due regard for compatibility of a proposed program with federal programs regulating byproduct, source, and special nuclear materials and considering consistency of a proposed program with federal programs for regulation of radiation machines.
4. Adopt, publish, and amend rules in accordance with chapter 17A as necessary for the implementation and enforcement of this chapter. The rules may provide for the licensing and control of radioactive materials with due regard for compatibility with federal regulatory programs.
5. Issue orders as necessary in connection with licensing and registration of radiation machines and radioactive materials.

6. Advise, consult, and cooperate with other agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and other organizations concerned with control of sources of radiation.
  7. Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to control of sources of radiation.
  8. Collect and disseminate information relating to control of sources of radiation. The department shall maintain the following information on file:
    - a. License applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions, and revocations.
    - b. A list of persons possessing sources of radiation requiring registration under this chapter and any administrative or judicial action involving each person.
    - c. Departmental rules relating to regulation of sources of radiation, existing or pending, and related actions.
  9. Adopt rules requiring the keeping of such records with respect to activities under licenses and registration certificates issued pursuant to this chapter as the department determines necessary to effect the purposes of this chapter.
- Sec. 2. NEW SECTION. 136C.7 ACCEPTANCE OF FUNDS. The department may accept from any source loans, grants, gifts, or other funds to be used for programs authorized by this chapter.
- Sec. 3. NEW SECTION. 136C.8 INSPECTIONS. The department shall inspect all radiation machines and radioactive materials located in this state, for the purpose of detecting, abating, or eliminating excessive radiation exposure hazards. The inspection shall include but shall not be limited to an evaluation of the radiation machine or radioactive material as well as the immediate environment to ensure that in using the machines or materials all unnecessary hazards for patients, personnel, and other persons who may be exposed to radiation produced by the machine or materials are avoided. The inspection shall also include an evaluation of electrical

hazards as well as the adequacy of mechanical supporting and restraining devices. All defects and deficiencies noted by the inspector shall be fully disclosed and discussed with the responsible persons at the time of inspection. The department shall establish rules prescribing operating procedures for radiation machines and radioactive materials which ensure minimum radiation exposure to patients, personnel, and other persons in the immediate environment.

Sec. 4. NEW SECTION. 136C.9 REGISTRATION AND LICENSE REQUIREMENTS.

1. The department shall establish by rule a system for the registration of the possession of radiation machines and for the licensing of radioactive materials in the state. The rules may provide for the issuance of the following licenses:

a. General licenses which do not require the filing of an application or the issuance of a document but do permit designated persons to transfer, acquire, own, possess or use quantities of or equipment using radioactive materials.

b. Specific licenses issued upon application to a person named in the license to use, manufacture, produce, transfer, receive, acquire, or possess quantities of or equipment using radioactive material.

2. The department may exempt certain sources of radiation or kinds of uses or users from the licensing or registration requirements when the department finds that the exemption of the source of radiation, use, or users will not pose a significant risk to the health and safety of the public. The rules may provide for recognition of other state or federal licenses as the department may allow, subject to registration requirements as the department may prescribe.

3. A person shall not use, manufacture, produce, distribute, sell, transport, transfer, install, repair, receive, acquire, own, or possess any radioactive material without a license from the department as provided in this chapter.

Sec. 5. NEW SECTION. 136C.10 FEES. The department shall establish and collect fees for the licensing and amendment

of licenses for radioactive materials, the registration of radiation machines, and the periodic inspection of radiation machines and radioactive materials. Fees shall be in amounts sufficient to defray the cost of administering this chapter. The license fee may include the cost of environmental surveillance activities to assess the radiological impact of activities conducted by licensees. Fees collected shall be remitted to the treasurer of state who shall deposit the funds in the general fund of the state. When a registrant or licensee fails to pay the applicable fee the department may suspend or revoke the registration or license or may issue an appropriate order. Fees for the license, amendment of a license, and inspection of radioactive material shall not exceed the fees prescribed by the United States nuclear regulatory commission.

Sec. 6. NEW SECTION. 136C.11 FEDERAL-STATE AGREEMENTS.

1. The governor, on behalf of the state, may enter into an agreement with the United States nuclear regulatory commission pursuant to section 274b of the Atomic Energy Act of 1954, as amended to the effective date of this Act, providing for the discontinuation of certain federal licensing and related regulatory authority over byproduct, source, and special nuclear material and the assumption of regulatory authority over these materials by the state.

2. A person who, on the effective date of an agreement made under subsection 1, possesses a license issued by the United States nuclear regulatory commission for radioactive material that come under the agreement is considered to possess the license required under this chapter. The license shall expire either ninety days after receipt from the department of a notice of expiration of the license, or on the date of expiration specified in the license issued by the nuclear regulatory commission, whichever is earlier.

Sec. 7. NEW SECTION. 136C.12 CONFLICTING LAWS. This chapter does not preempt ordinances, resolutions, or rules of a local government or of a state agency relating to radioactive material that are consistent with this chapter.

This chapter does not give the department the authority to regulate a facility for the disposal of low-level radioactive waste as defined in article II of section 8C.1.

Sec. 8. NEW SECTION. 136C.13 EMERGENCIES. If the department finds that an emergency exists involving radioactive material or radiation machines that requires immediate action to protect the public health and safety, the department may, without notice or hearing, issue an order stating that an emergency exists and requiring that action be taken as necessary to meet the emergency. An emergency order shall be effective immediately. A person to whom the order is directed shall comply with the order immediately, but on application to the department shall be afforded a hearing within ten days of the date application is made. The emergency order may be continued, modified, or revoked within thirty days after the hearing, based on the evidence presented at the hearing.

Sec. 9. Chapter 136C, Code 1983, is amended by adding the following new section:

NEW SECTION. 136C.15 QUALIFIED OPERATORS--DISPLAY OF CREDENTIALS.

1. A person, other than a licensed professional, shall not operate equipment or use materials for medical treatment or diagnostic purposes unless that person has completed a course of instruction approved by the department or has otherwise met the minimum training established by the department.

2. A person, other than a licensed professional, who operates equipment or uses materials for medical treatment or diagnostic purposes shall display the credentials which indicate that person's qualification to operate equipment or use materials in the immediate vicinity of the equipment or where the materials are stored. A person who owns or controls the equipment or materials is also responsible for the proper display of credentials of those who operate the equipment or use the materials and shall not employ a person to operate equipment or use materials for medical treatment or diagnostic purposes except as provided in this section.

Sec. 10. Section 136C.1, Code 1983, is amended to read as follows:

136C.1 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Commissioner" means the commissioner of public health or a the commissioner's 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 203A.~~

3. "Decommissioning" means final operational activities at a site to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material, and to carry out any other activities to prepare the site for postoperational care.

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.

5. "Radiation machine" means a device capable of producing radiation except those that produce radiation solely from radioactive material.

6. "Radioactive material" means a solid, liquid, or gaseous material that emits radiation spontaneously including accelerator-produced and naturally occurring material, and byproduct, source, and special nuclear material as defined in the Atomic Energy Act of 1954 as amended to the effective date of this Act.

"Licensed professional" means a person licensed or otherwise authorized by law to practice medicine, osteopathy, podiatry, chiropractic, dentistry, dental hygiene, or veterinary medicine.

Sec. 11. Section 136C.2, Code 1983, is amended to read as follows:

136C.2 APPLICABILITY. ~~The provisions of this~~ This chapter apply applies to all equipment or materials which are radiation

machines and radioactive material located in this state and which are designed to emit radiation. The provisions of this chapter shall do 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 28E with other state and federal agencies, or with private organizations or individuals, to administer ~~the provisions of~~ this chapter.

Sec. 12. Section 136C.4, Code 1983, is amended to read as follows:

136C.4 PENALTIES.

1. It is unlawful to operate or ~~utilize~~ use radiation ~~emitting equipment or material~~ machines or radioactive material in violation of ~~the provisions of~~ this chapter or of any rule adopted pursuant to this chapter. Persons convicted of violating ~~the provisions~~ a provision of this chapter shall be ~~are~~ guilty of a simple misdemeanor.

2. In addition to criminal penalties, the department may impose a civil penalty not to exceed one thousand dollars on a person who violates a provision of this chapter or a rule or order issued under this chapter, or a term, condition, or limitation of a license or registration certificate issued under this chapter, or who commits a violation for which a license or registration certificate may be revoked under rules issued pursuant to this chapter. Each day of continuing violation constitutes a separate offense in computing the civil penalty.

3. The department shall notify a person of the intent to impose a civil penalty against the person. The notice shall be by registered or certified mail to the person's last known address and shall state the date, facts, the nature of the act or omission leading to the charge, the specific statute, rule, or license or registration provision involved, and the amount of the penalty the department proposes to impose. The notice shall advise the person that upon failure to pay the civil penalty, the penalty may be collected by

civil action. The person shall have the opportunity to respond in writing, within a reasonable time as the department shall establish by rule, why the civil penalty should not be imposed.

4. The department may compromise, mitigate, or remit a civil penalty imposed under this section. A person upon whom a civil penalty is imposed may appeal the action pursuant to chapter 17A. The department shall remit moneys collected from civil penalties to the treasurer of state who shall deposit the moneys in the general fund of the state.

Sec. 13. Section 136C.5, Code 1983, is amended to read as follows:

136C.5 ENFORCEMENT.

1. Upon determination by the ~~commissioner~~ department that this chapter or any rule adopted pursuant to this chapter has been or is being violated, the ~~commissioner~~ department may order that the radiation ~~emitting equipment or materials~~ machine or radioactive material not be used until the necessary corrective action has been taken. ~~Should the equipment or materials continue to be used~~ If the use of the radiation machine or radioactive material continues in violation of the order of the ~~commissioner~~ department, the ~~commissioner~~ department 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~~ the violations or practices.

2. The department may impound or order the impounding of radioactive material in the possession of a person who is not equipped to observe or fails to observe a provision of this chapter or of a rule adopted under this chapter.

3. The department may enter at reasonable times any private or public property to determine whether there is a violation of a provision of this chapter or of a rule issued under this chapter. However, the department must have the consent of the federal government before entering an area under the jurisdiction of the federal government.

4. The department may inspect records required to be kept under section 136C.6, subsection 9. Upon request of the department a person shall submit the records to the department for inspection.

Sec. 14. Section 136C.3, Code 1983, is repealed.

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DONALD D. AVENSON  
Speaker of the House

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CHARLES P. MILLER  
President Pro Tempore of the  
Senate

I hereby certify that this bill originated in the House and is known as House File 2110, Seventieth General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 16, 1984

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TERRY E. BRANSTAD  
Governor

**H.F. 2110**