



January 26, 2024

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council of the District of Columbia is the "Radiation Protection Act of 2024". The proposed legislation would strengthen the District's ability to protect residents, employees, and visitors from the potentially deleterious effect of radiation and to improve the District's oversight of the use of radiation in the medical profession and in other business activities.

The bill, in part, establishes standards for licensees, applicants, and certificate of registration holders who receive, possess, use, transfer, own, acquire, or operate any source of radiation; establishes new licensing, registration, permitting and certification requirements, and accreditation standards for individuals in medical radiation technology, radiation therapy technology, licensed suppliers, and portable x-ray service providers; and authorizes new administrative and civil remedies, as well as criminal penalties.

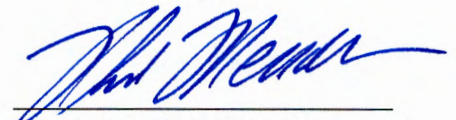
This legislation would also repeal the outdated District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990, effective March 7, 1991 (D.C. Law 8-226; D.C. Official Code § 8-1501 *et seq.*).

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish standards for the control of sources of ionizing and nonionizing radiation; to authorize and require the licensure, certification, registration, accreditation, and inspection of persons, facilities, and establishments that receive, possess, use, transfer, own, acquire, or operate sources of radiation; to authorize the Mayor to establish requirements and standards for such licensing, registration, certification, and accreditation; to authorize the Mayor to issue rules to protect individuals, the public, and property from the deleterious effects of ionizing and nonionizing radiation and to establish fees related to the regulation of sources of radiation; to provide administrative remedies, civil fines and penalties, and alternative sanctions as well as criminal penalties for violations of the act and rules issued pursuant to the act; and to repeal the District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Radiation Protection Act of 2024".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Civil Infractions Act" means the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

(2) "Ionizing radiation" means alpha particles, beta particles, gamma rays, x-rays, high-speed electrons, high-speed protons, neutrons, and other particles capable of producing ions.

38 (3) “Ionizing radiation machine or equipment” means a radiation machine or
39 equipment that is capable of producing ionizing radiation.

40 (4) “Medical or dental x-ray equipment” means an electronic device that produces
41 x-rays by electrical means for the intentional exposure of humans.

42 (5) “Medical radiation technology” means the procedures involving the
43 application of radiation to human beings for diagnostic and therapeutic purposes.

44 (6) “Nonionizing radiation” means electromagnetic radiation, other than ionizing
45 radiation.

46 (7) “Nonionizing radiation machine or equipment” means a radiation machine or
47 equipment that is not capable of producing ionizing radiation.

48 (8) “Nuclear medicine technology” means in vivo and in vitro detection and
49 measurement of radioactivity and the administration of radiopharmaceuticals to human beings
50 for diagnostic and therapeutic purposes.

51 (9) “Person” means any individual, corporation, partnership, limited liability
52 company, firm, association, trust, estate, public or private institution, group, or agency, other
53 than the United States Nuclear Regulatory Commission and the United States Department of
54 Energy.

55 (10) “Portable x-ray service provider” means a person who provides diagnostic x-
56 ray procedures with hand-held or mobile radiographic equipment in a patient’s place of
57 residence.

58 (11) “Possess” means to receive, have control of, use, transfer, or dispose of.

59 (12) “Radiation” means ionizing radiation and nonionizing radiation.

60 (13) "Radiation machine facility" means a location, vehicle, building, or complex
61 where a radiation machine or equipment is installed, located, or used.

62 (14) "Radiation machine or equipment" means a device that is capable of
63 producing radiation, except for devices that produce radiation only by the use of radioactive
64 material.

65 (15) "Radiation therapy technology" means the application of ionizing radiation
66 emitted from x-ray machines, particle accelerators, and sealed radioactive sources to human
67 beings for therapeutic purposes.

68 (16) "Radioactive material" means material, including a solid, liquid, or gas, that
69 emits ionizing radiation spontaneously.

70 (17) "Radioactive waste" means any nonuseful material that is contaminated with
71 radioactive material emitting gamma or beta radiation that registers above normal background
72 levels.

73 (18) "Radiology" means the branch of medicine that deals with the study and
74 application of imaging technology to diagnose and treat disease.

75 (19) "Reportable source of radiation" means a radiation machine or equipment.

76 (20) "Sealed source" means radioactive material that is permanently encapsulated
77 in such a manner that the radioactive material will not be released under the most severe
78 conditions likely to be encountered by the source.

79 (21)(A) "Source material" means:

80 (i) Uranium or thorium, or any combination of these 2 materials, in
81 any physical or chemical form; or

82 (ii) Ores that contain by weight 0.05% or more of uranium,
83 thorium, or any combination of uranium and thorium.

84 (B) “Source material” does not include special nuclear material.

85 (22) “Source of ionizing radiation” means radioactive material, or a device or
86 equipment, emitting or capable of producing ionizing radiation.

87 (23) “Special nuclear material” means:

88 (A) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the
89 isotope 235, and any other material that the Mayor declares by rule to be special nuclear material
90 after the United States Nuclear Regulatory Commission has determined the material to be such,
91 but does not include source material; and

92 (B) Material artificially enriched by any of the foregoing but does not
93 include source material.

94 (24) “Supplier” means a person who makes, sells, leases, repairs, lends, transfers,
95 or installs medical or dental x-ray equipment for use in the District.

96 (25) “User” means a person who is licensed to possess radioactive material or
97 who has registered as possessing a reportable source of radiation, or who otherwise possesses a
98 source of radiation that is subject to such licensure or registration.

99 Sec. 3. Radiation protection—in general.

100 No person shall make, acquire, receive, possess, lease, lend, use, donate, service, transfer,
101 transport, install, or dispose of a source of radiation, radioactive material, or radioactive waste in
102 the District in a manner that is dangerous to their health, safety, or property; the health, safety, or
103 property of others; or the public health, safety, or property, except where the Mayor determines
104 that such making, acquisition, receipt, possession, lease, lending, use, donation, servicing,

105 transfer, transportation, installation, or disposal is in the public interest or in such other
106 circumstances as may otherwise be authorized by the Mayor by rules adopted pursuant to section
107 13.

108 Sec. 4. Licensure, certification, registration, and accreditation requirements.

109 (a) No person shall acquire, receive, possess, use, transfer, or dispose of a source of
110 ionizing radiation, radioactive material, or radioactive waste in the District unless the person is
111 licensed, certified, or registered to do so by the Mayor.

112 (b) No person shall operate, receive, possess, use, transfer, own, acquire, or dispose of
113 any ionizing radiation machine or equipment in the District unless the person is licensed,
114 certified, or registered to do so by the Mayor and the ionizing radiation machine or equipment is
115 registered with the Mayor.

116 (c) No person shall own, operate, or manage a radiation machine facility in the District
117 where an ionizing radiation machine or equipment is installed, located, or used unless the person
118 is licensed, certified, or registered to do so by the Mayor.

119 (d) No person shall own, operate, or manage a production facility or utilization facility, as
120 those terms are defined in 10 C.F.R. § 50.2, in the District unless the person is licensed, certified,
121 or registered to do so by the Mayor.

122 (e) No person shall practice as a medical radiographer, nuclear medicine technologist,
123 radiation therapy technologist, radiologist assistant, nuclear medicine advanced associate,
124 chiropractic radiographer, or limited diagnostic radiographer in the District unless the person is
125 licensed, certified, registered, or accredited to so practice by the Mayor.

126 Sec. 5. Other measures protective against radiation.

127 The Mayor may, pursuant to section 13, issue such rules as the Mayor deems appropriate
128 to protect individuals, the public, and property from the deleterious effects of ionizing and
129 nonionizing radiation. Such rules may include rules to:

130 (a) Establish requirements and standards to become licensed, certified, registered, or
131 accredited under this act or rules issued under this act;

132 (b) Regulate the acquisition, receipt, possession, use, transfer, and disposal of sources of
133 nonionizing radiation;

134 (c) Require the licensure, registration, or certification of a person who operates, receives,
135 possesses, uses, transfers, owns, acquires, or disposes of a nonionizing radiation machine or
136 equipment;

137 (d) Require the registration of nonionizing radiation machines and equipment;

138 (e) Require the licensure, registration, or certification of a person who owns, operates, or
139 manages a radiation machine facility where a nonionizing radiation machine or equipment is
140 installed, located, or used;

141 (f) Establish licensing, registration, certification, and accreditation requirements and
142 standards for individuals involved in medical radiation technology or radiation therapy
143 technology, suppliers, and portable x-ray service providers;

144 (g) Establish standards and procedures for the denial of applications for licensure,
145 registration, certification, and accreditation and for the suspension and revocation, including
146 summary suspension and revocation, of licenses, registration, certifications, and accreditations;

147 (h) Establish requirements and standards for the use of radiation, radiation machines and
148 equipment, and radioactive material;

149 (i) Regulate radiation machine facilities;

150 (j) Regulate persons providing radiation machine or equipment installation, servicing, or
151 services;

152 (k) Regulate the receipt, possession, use, transfer, and disposal of sources of radiation;

153 (l) Restrict or exclude individuals who are unqualified, or not equipped to observe or fail
154 to observe, the provisions of this act or rules issued pursuant to this act from acquiring,
155 receiving, possessing, using, transferring, or disposing of a source of radiation; and

156 (m) Establish recordkeeping requirements.

157 Sec. 6. Testing, inspections, and examinations.

158 (a) To protect the public health and safety and personal and public property from the
159 impacts of ionizing and nonionizing radiation, and to implement this act and any rules
160 promulgated pursuant to this act, the Mayor may, in accordance with law:

161 (1) Inspect facilities, operations, machines, and equipment licensed, certified, or
162 registered under this act or rules issued pursuant to this act; any other facility, operation,
163 machine, or equipment otherwise possessing or suspected of possessing ionizing or nonionizing
164 radiation; and any other facility, operation, machine, or equipment related thereto;

165 (2) Inspect any records related to a facility, operation, machine, equipment, or
166 individual licensed, certified, registered, or accredited, or suspected of being required to be
167 licensed, certified, registered, or accredited, under this act or rules issued pursuant to this act; any
168 records related to a facility, operation, machine, equipment, or individual possessing or suspected
169 of possessing ionizing or nonionizing radiation; and any records related thereto;

170 (3) Conduct examinations and tests of public and private property, including tests
171 of sources of radiation, radioactive material, radioactive waste, radiation machines, facilities
172 where sources of radiation are used or stored, radiation detection and monitoring instruments,

173 and other equipment and devices used in connection with the utilization or storage of sources of
174 radiation;

175 (4) Conduct examinations and tests to determine whether an individual has been
176 exposed to a radiological agent or may expose others to a radiological agent; and

177 (5) At any reasonable time, upon the presentation of proper credentials, enter into
178 or upon any building, facility, establishment, or property, whether or not licensed, registered,
179 certified, or accredited under this act or rules issued pursuant to this act, for the purpose of
180 making inspections, tests, and examinations under this section.

181 (b) The Mayor may apply for an administrative search warrant issued by the Superior
182 Court of the District of Columbia pursuant to District of Columbia Rule of Civil Procedure 204
183 to enter and conduct any test, inspection, or examination required or authorized by this act or
184 rules issued under the authority of this act.

185 Sec. 7. Notices and reports.

186 Each person licensed, certified, registered, or accredited under this act or rules issued
187 pursuant to this act shall create, issue, post, and distribute such notices and reports, and provide
188 such instructions, as may be required by the Mayor, to individuals engaged in activities under a
189 license, registration, certificate, or accreditation and to such other individuals as the Mayor
190 deems appropriate to protect the public or private health, safety, or property from the deleterious
191 impacts of ionizing and nonionizing radiation and to inform such individuals of options available
192 to them in connection with inspections by the Mayor of licensees, certificants, registrants, and
193 accredited persons to ascertain compliance with this act and rules and orders issued pursuant to
194 this act.

195 Sec. 8. Seizure, impoundment, and destruction.

196 (a) The Mayor may seize and impound a source of radiation, radioactive material,
197 radioactive waste, radiation machine or equipment, or any part thereof if all or part of the source
198 of radiation, radioactive material, radioactive waste, or radiation machine or equipment:

199 (1) Is in the possession of a person who is not licensed, certified, registered, or
200 accredited by the Mayor, if such licensing, certification, registration, or accreditation is required
201 under this act or a rule issued pursuant to this act, or is not equipped or qualified by training and
202 experience, to possess and operate such source of radiation, radioactive material, radioactive
203 waste, or machine or equipment;

204 (2) Is in the possession or control of a person who fails to comply with this act or
205 a rule issued pursuant to this act;

206 (3) Does not comply with this act or a rule issued pursuant to this act;

207 (4) Is being used in violation of this act or a rule issued pursuant to this act; or

208 (5) Is otherwise a threat to the health, safety, welfare, or property of individuals or
209 the public.

210 (b) The Mayor may seize, impound, destroy, or otherwise dispose of a source of
211 radiation, radioactive material, radioactive waste, or radiation machine or equipment or any part
212 thereof if all or part of the source of radiation, radioactive material, radioactive waste, or
213 radiation machine or equipment is a threat to the health, safety, welfare, or property of
214 individuals or the public.

215 (c) Except as provided in subsection (d) of this section, the Mayor shall provide written
216 notice and an opportunity to be heard before seizing, impounding, or destroying a source of
217 radiation, radioactive material, radioactive waste, or a radiation machine or equipment, or part

218 thereof, under this section. The notice shall describe the action the Mayor intends to take, the
219 basis for the action, and the right of the respondent to request a hearing.

220 (d)(1) The Mayor may, without prior notice or opportunity to be heard, seize, impound,
221 or destroy a source of radiation, radioactive material, radioactive waste, or a radiation machine or
222 equipment, or part thereof, if the Mayor determines that there is an immediate threat to the public
223 or private health, safety, or property.

224 (2) Upon taking such action in paragraph (1) of this subsection, the Mayor shall
225 provide a notice to the owner or person in possession or control of the source of radiation,
226 radioactive material, radioactive waste, or radiation machine or equipment, or part thereof. If
227 such owner or person in possession or control is not known or available, the Mayor may leave
228 such notice with any competent person who is at least 18 years of age post the notice at the
229 location where the Mayor took action, or provide notice to the owner or person in possession or
230 control by other reasonable means. The notice shall describe the action the Mayor took, the basis
231 for the action, and the right of the owner or person in possession or control to request a hearing.

232 (e) The Mayor may, upon the presentation of proper credentials and in accordance with
233 law, enter into or upon any building, facility, establishment, or property, whether or not licensed,
234 registered, certified, or accredited under this act, for the purpose of carrying out a seizure and
235 impoundment under this section.

236 (f)(1) A hearing under this section shall be held pursuant to section 10 of the District of
237 Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1208; D.C.
238 Official Code § 2-509).

239 (2) If, after a hearing, it is determined that the Mayor erroneously seized,
240 impounded, or disposed of the source of radiation, radioactive material, radioactive waste, or

241 radiation machine or equipment or any part thereof, the Mayor may be ordered to return the
242 property to the owner or person in possession or control, or pay the owner or person in
243 possession or control the fair market value of the property.

244 Sec. 9. Civil enforcement, fines, and penalties.

245 (a) Civil fines, penalties, and fees may be imposed as alternative sanctions for any
246 violation of this act, or any rule issued under the authority of this act, pursuant to the Civil
247 Infractions Act. Fines and penalties may be imposed for each day that a violation continues.
248 Enforcement and adjudication of a violation shall be pursuant to the Civil Infractions Act.

249 (b)(1) The Mayor may issue a notice of infraction, pursuant to the Civil Infractions Act,
250 requiring the respondent to take action to correct a violation of this act or a rule issued pursuant
251 to this act, or to cease conduct that violates this act or a rule issued pursuant to this act.

252 (2) Such a notice of infraction shall include the following information, in addition
253 to the information required by section 201 of the Civil Infractions Act (D.C. Official Code § 2-
254 1802.01):

255 (A) A statement that the respondent's conduct violating the act or rule
256 must cease, or a statement the respondent must take action to correct the violation;

257 (B) The date and time by which the respondent must cease the violating
258 conduct or take the corrective action;

259 (C) A statement that if the respondent fails to comply with the notice or
260 request a hearing within the stated time, the Mayor may:

261 (i) Take action to protect the public from the effects and potential
262 effects of the violation; and

263 (ii) Recover 3 times the cost and expense of taking action to
264 protect the public from the effects or potential effects of the violation, pursuant to subsection (e)
265 of this section and section 203 of the Civil Infractions Act (D.C. Official Code § 2-1802.03).

266 (c) The Mayor may issue an immediate compliance order or an immediate cease and
267 desist order, which shall be deemed final upon its issuance without first providing an opportunity
268 to be heard pursuant to subsection (b) of this section, or may seek a temporary restraining order,
269 in order to require a person to correct a violation of this act or a rule issued pursuant to this act
270 that immediately threatens the public health or safety, private or public property, or to restrain a
271 person from engaging in a violation or in any activity that may violate this act or a rule issued
272 pursuant to this act that immediately endangers public health or safety or private or public
273 property.

274 (d)(1) Where a violation of this act or a rule issued under the authority of this act presents
275 an immediate threat to the public health or safety or public or private property, the Mayor may
276 summarily, without prior notice or opportunity to be heard, take action to protect the public from
277 the effects and potential effects of the violation. If such action is taken by the Mayor, the Mayor
278 shall issue a notice of infraction pursuant to the Civil Infractions Act after the action is taken.

279 (2) In addition to the information required under section 201(b) of the Civil
280 Infractions Act (D.C. Official Code § 2-1802.01(b)), the notice of infraction shall include the
281 following information:

282 (A) A description of the action taken by the Mayor; and

283 (B) The amount the respondent must pay pursuant to subsection (e) of this
284 section; provided, that the Mayor may recover the costs and expenses authorized by subsection

285 (e) of this section, or any portion of those costs and expenses, through a separate notice of
286 infraction.

287 (e) The Mayor may recover 3 times the cost and expense of taking action to protect the
288 public from the effects and potential effects of the violation pursuant to subsections (b) and (d) of
289 this section.

290 (f) The Mayor may, upon the presentation of proper credentials, and in accordance with
291 law, enter in or upon any building, facility, establishment, or property, whether or not licensed,
292 registered, certified, or accredited under this act, for the purpose of taking action under this
293 section.

294 (g) The Mayor may cause to be entered any final order or agency decision issued under
295 this section requiring a person to take corrective action or to pay fines, penalties, or costs as a
296 judgment against the party in the Superior Court of the District of Columbia. The Mayor may
297 enforce the judgment in the same manner as any other civil judgment may be enforced under
298 District law.

299 (h) Any person adversely affected or aggrieved by a final order of the Mayor issued
300 pursuant to this section may, after exhaustion of all administrative remedies, appeal the order to a
301 court of competent jurisdiction.

302 (i) The Mayor may request that the District of Columbia Office of the Attorney General:

303 (1) Commence an appropriate civil action in the Superior Court of the District of
304 Columbia to secure a temporary restraining order, a preliminary injunction, a permanent
305 injunction, or other appropriate relief from the court, to enforce this act or rules issued pursuant
306 to this act; and

307 (2) Institute a court action for injunctive relief, damages, or civil penalties, or to
308 recoup corrective action costs, if a person fails to comply with a final compliance order or cease
309 and desist order within the time period specified in the order.

310 Sec. 10. Criminal enforcement and penalties.

311 (a) Any person who knowingly violates any of the provisions of this act, or the rules
312 promulgated pursuant to this act, shall be punished by a fine not to exceed \$25,000, or
313 imprisonment not to exceed one year. Prosecutions for violations of this subsection shall be
314 brought in the Superior Court of the District of Columbia by the Attorney General for the District
315 of Columbia.

316 (b) The fine set forth in this subsection shall not be limited by section 101 of the Criminal
317 Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.
318 Official Code 22-3571.01).

319 Sec. 11. Fees.

320 The Mayor may, by rulemaking issued pursuant to section 13, establish fees for the
321 application and issuance of new, duplicate, amended, and renewal licenses, registrations,
322 certificates, and accreditations, variance requests and issuances, compliance inspections, and
323 such other actions under this act as the Mayor deems appropriate.

324 Sec. 12. Variances.

325 The Mayor may grant a variance from a requirement of this act, or excuse a person from
326 the performance of an act required by this act, either in whole or in part, upon a finding by the
327 Mayor that the application of such provision or the full performance of such act would result in
328 unnecessary hardship or practical difficulty and that the public health and welfare would not be
329 endangered or the public interest would be served.

330 Sec. 13. Rulemaking authority.

331 The Mayor may, pursuant to Title I of the District of Columbia Administrative Procedure
332 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules
333 to implement this act.

334 Sec. 14. Repealer.

335 The District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act
336 of 1990, effective March 7, 1991 (D.C. Law 8-226; D.C. Official Code § 8-1501 *et seq.*), is
337 repealed.

338 Sec. 15. Transfers; continuation.

339 (a) All functions, authority, programs, positions, personnel, property, records, and
340 unexpended balances of appropriations, allocations, or other funds available to the Department of
341 Health for the purposes of carrying out the District of Columbia Low-Level Waste Generator
342 Regulatory Policy Act of 1990, effective March 7, 1991 (D.C. Law 8-226; D.C. Official Code §
343 8-1501 *et seq.*), are transferred to the Mayor.

344 (b) All rules, orders, obligations, determinations, grants, contracts, licenses, and
345 agreements of the Department of Health transferred to the Mayor under subsection (a) of this
346 section shall continue in effect according to their terms until lawfully amended, repealed, or
347 modified.

348 Sec. 16. Fiscal impact statement.

349 The Council adopts the fiscal impact statement in the committee report as the fiscal
350 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
351 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

352 Sec. 17. Effective date.

353 This act shall take effect following approval by the Mayor (or in the event of veto by the
354 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
355 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
356 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
357 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

TO: Tommy Wells
Director
Office of Policy and Legislative Affairs

FROM: Megan D. Browder
Deputy Attorney General
Legal Counsel Division

DATE: September 15, 2023

RE: Radiation Protection Act of 2023
(AE-22-044-B)

This is to Certify that the Office of the Attorney General has reviewed the legislation entitled the “Radiation Protection Act of 2023” and determined that it is legally sufficient. If you have any questions, please do not hesitate to call me at (202) 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder".

Megan D. Browder


Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: October 27, 2023

SUBJECT: Fiscal Impact Statement – Radiation Protection Act of 2023

REFERENCE: Draft introduction as provided to the Office of Revenue Analysis on
September 8, 2023

Conclusion

Funds are not sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill costs \$118,000 in fiscal year 2024 and \$424,000 over the financial plan to implement.

Background

The Department of Health (DC Health) Radiation Protection Division provides exclusive regulatory oversight of radiological devices in the District of Columbia. The current law¹ that governs the use of radiation in the medical profession is outdated and must be modernized to conform to current federal standards. The bill modernizes how the District regulates the use of radiation in the medical profession by authorizing DC Health to:

- Establish new standards for licensees, applicants, and certificates of registration holders who receive, possess, use, transfer, own, acquire, or operate any source of radiation, components, equipment, materials, or other goods or services.
- Establish new licensing, registration, permitting, certification requirements, and accreditation standards for individuals in medical radiation technology, radiation therapy technology, licensed suppliers, portable x-ray service providers, and individuals under the supervision of licensed practitioners in accordance with District of Columbia laws and regulations.

¹ The District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990, effective March 7, 1991 (D.C. Law 8-226; D.C. Official Code § 8-1501 et seq.).

- Inspect facilities, records, operations, machines, and equipment licensed, certified, or registered with DC Health that possess ionizing or nonionizing radiation.
- Conduct examinations and test sources of radiation, radioactive material, radioactive waste, radiation machines, facilities where sources of radiation are used or stored, radiation detection and monitoring instruments, and other equipment and devices used in connection with the utilization or storage of sources of radiation.
- Apply for administrative search warrants issued by the Superior Court of the District of Columbia to enter and conduct any test, inspection, or examination required or authorized by this bill or rules issued under the authority of this bill.
- Seize, impound, or destroy sources of radiation, radioactive material, radioactive waste, radiation machine or equipment, or any part thereof, if all or part of the source of radiation, radioactive material, radioactive waste, or radiation machine or equipment is in possession of a person that is not licensed, certified, registered, or accredited by DC Health.
- Issue civil fines, penalties, and fees for any violation of the Radiation Protection Act of 2023.
- Establish fees by rulemaking for the application and issuance of new, duplicate, amended, and renewal licenses, registrations, certificates and accreditations, variance requests and issuances, compliance inspections, and other appropriate actions.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill costs \$118,000 in fiscal year 2024 and \$424,000 over the financial plan to implement.

DC Health must hire one additional Health Licensing Specialist who will review and process approximately 200 medical radiation technologist licenses. The salary and fringe cost of this additional employee is \$73,000 in fiscal year 2024 and \$379,000 over the financial plan. DC Health also must update the licensing IT system it uses to accept licensing applications from medical radiation technologists. This update will cost \$20,000 in fiscal year 2024. DC Health will also need to purchase a new radiation monitoring machine to use during inspections at a cost of \$25,000 in fiscal year 2024. Current inspection staff in the Radiation Protection Division can complete oversight as required in the bill with current resources. DC Health currently collects registration fees from operators of radiological devices in the Radiation Protection Fund. Fees collected from licensing radiation technologists will be deposited into the Board of Medicine Fund. The amount of revenue that will be generated from these fees is unknown at this time since DC Health has yet to determine a licensing fee schedule.

Radiation Protection Act of 2023					
Total Cost					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Health Licensing Specialist ^(a)	\$73,000	\$100,000	\$102,000	\$104,000	\$379,000
IT Update	\$20,000	\$0	\$0	\$0	\$20,000
Radiation Detector	\$25,000	\$0	\$0	\$0	\$25,000
Total	\$118,000	\$100,000	\$102,000	\$104,000	\$424,000

The Honorable Phil Mendelson

FIS: "Radiation Protection Act of 2023," Draft introduction as provided to the Office of Revenue Analysis on September 8, 2023.

Table Notes:

- (a) Assumes one Grade-11, Step-5 Health Licensing Specialist and a fringe rate of 22.3 percent. Assumes salary growth of 1.7 percent and fringe growth of 2.375 percent. Assumes January 1, 2024 start date.