

## **BILL ANALYSIS**

H.B. 2285  
By: Chisum  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

During the 78<sup>th</sup> legislative session, HB 2292 mandated that licenses for radioactive materials and registrations of radiation producing machines issued by the Department of State Health Services (department) be renewed every two years. Previous to this, the fee for radioactive materials licenses and x-ray and laser registrations was not tied to the permit renewals. The renewals were for periods of 8 to 10 years, and the fees were annual fees that collected actual costs of the program.

Tying the permit fee to the expiration date of the permit on a two-year renewal has resulted in an unintended burden on the licensees and registrants, and has lead to some licensees and registrants not paying the fee on time resulting in the permit expiring and causing them to cease operations until a new permit can be issued. An example is where a hospital would not pay the fee before the permit expiration date, which would result in a nuclear pharmacy not providing the hospital diagnostic radiopharmaceuticals needed for patients scheduled for diagnostic procedures.

Permit renewals require submission of detailed facility operating and emergency procedures and detailed drawings of facilities and equipment changes since the last permit renewal.

Under HB 2285 the department will continue to collect full cost recovery fees on a staggered two-year interval, but the permit expiration will be an eight to ten-year interval. This will be compatible with other state and federal radiation regulatory programs.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

HB 2285 amends the Health and Safety Code to exempt a license or registration under Chapter 401, RADIOACTIVE MATERIALS AND OTHER SOURCES OF RADIATION from Sections 12.0111(d) relating to licensing fees and 12.0112(b) relating to licensing renewals. It also deletes the terms "annual," "annually" and "per annum" in provisions relating to certain fees collect by the department.

### **EFFECTIVE DATE**

September 1, 2007.