

AN ACT

relating to the storage, maintenance, and distribution of mammography medical records.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (c), (e), (f), and (g), Section 401.305, Health and Safety Code, are amended to read as follows:

(c) Money and security in the perpetual care account may be administered by the department or commission only for storage, maintenance, and distribution of mammography medical records or the decontamination, decommissioning, stabilization, reclamation, maintenance, surveillance, control, storage, and disposal of radioactive substances for the protection of the public health and safety and the environment under this chapter and for refunds under Section 401.303.

(e) The department or commission may use money in the perpetual care account to pay for measures:

(1) to prevent or mitigate the adverse effects of abandonment of radioactive substances, default on a lawful obligation, insolvency, or other inability by the holder of a license issued by the department or commission to meet the requirements of this chapter or of department or commission rules; ~~and~~

(2) to assure the protection of the public health and safety and the environment from the adverse effects of ionizing

1 radiation; and

2 (3) to protect the health and safety of mammography
3 patients by assuring mammography medical records are made available
4 to affected patients.

5 (f) The department or commission may provide, by the terms
6 of a contract or lease entered into between the department or
7 commission and any person, by the terms of a mammography
8 certification issued by the department or commission to any person,
9 or by the terms of a license issued to any person, for the storage,
10 maintenance, and distribution of mammography medical records. The
11 department or commission may provide, by the terms of a contract or
12 lease entered into between the department or commission and any
13 person or by the terms of a license issued by the department or
14 commission to any person, for the decontamination, closure,
15 decommissioning, reclamation, surveillance, or other care of a site
16 or facility subject to department or commission jurisdiction under
17 this chapter as needed to carry out the purpose of this chapter.

18 (g) The existence of the perpetual care account does not
19 make the department or commission liable for the costs of storage,
20 maintenance, and distribution of mammography medical records
21 arising from a mammography certification holder's failure to store,
22 maintain, and make available mammography medical records or for the
23 costs of decontamination, transfer, transportation, reclamation,
24 surveillance, or disposal of radioactive substances arising from a
25 license holder's abandonment of radioactive substances, default on
26 a lawful obligation, insolvency, or inability to meet the
27 requirements of this chapter or of department or commission rules.

1 SECTION 2. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1082 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1082 passed the House on May 26, 2009, by the following vote: Yeas 144, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor