

1-1 By: Huffman S.B. No. 1082  
1-2 (In the Senate - Filed February 23, 2009; March 13, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 30, 2009, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; March 30, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the storage, maintenance, and distribution of  
1-9 mammography medical records.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (c), (e), (f), and (g), Section  
1-12 401.305, Health and Safety Code, are amended to read as follows:

1-13 (c) Money and security in the perpetual care account may be  
1-14 administered by the department or commission only for storage,  
1-15 maintenance, and distribution of mammography medical records or the  
1-16 decontamination, decommissioning, stabilization, reclamation,  
1-17 maintenance, surveillance, control, storage, and disposal of  
1-18 radioactive substances for the protection of the public health and  
1-19 safety and the environment under this chapter and for refunds under  
1-20 Section 401.303.

1-21 (e) The department or commission may use money in the  
1-22 perpetual care account to pay for measures:

1-23 (1) to prevent or mitigate the adverse effects of  
1-24 abandonment of radioactive substances, default on a lawful  
1-25 obligation, insolvency, or other inability by the holder of a  
1-26 license issued by the department or commission to meet the  
1-27 requirements of this chapter or of department or commission rules;  
1-28 [~~and~~]

1-29 (2) to assure the protection of the public health and  
1-30 safety and the environment from the adverse effects of ionizing  
1-31 radiation; and

1-32 (3) to protect the health and safety of mammography  
1-33 patients by assuring mammography medical records are made available  
1-34 to affected patients.

1-35 (f) The department or commission may provide, by the terms  
1-36 of a contract or lease entered into between the department or  
1-37 commission and any person, by the terms of a mammography  
1-38 certification issued by the department or commission to any person,  
1-39 or by the terms of a license issued to any person, for the storage,  
1-40 maintenance, and distribution of mammography medical records. The  
1-41 department or commission may provide, by the terms of a contract or  
1-42 lease entered into between the department or commission and any  
1-43 person or by the terms of a license issued by the department or  
1-44 commission to any person, for the decontamination, closure,  
1-45 decommissioning, reclamation, surveillance, or other care of a site  
1-46 or facility subject to department or commission jurisdiction under  
1-47 this chapter as needed to carry out the purpose of this chapter.

1-48 (g) The existence of the perpetual care account does not  
1-49 make the department or commission liable for the costs of storage,  
1-50 maintenance, and distribution of mammography medical records  
1-51 arising from a mammography certification holder's failure to store,  
1-52 maintain, and make available mammography medical records or for the  
1-53 costs of decontamination, transfer, transportation, reclamation,  
1-54 surveillance, or disposal of radioactive substances arising from a  
1-55 license holder's abandonment of radioactive substances, default on  
1-56 a lawful obligation, insolvency, or inability to meet the  
1-57 requirements of this chapter or of department or commission rules.

1-58 SECTION 2. This Act takes effect September 1, 2009.

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