



SPONSOR: Sen. S. McBride & Rep. Bentz
Sen. Ennis; Rep. Briggs King

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 138

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RADIATION CONTROL.

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

1 Section 1. Amend Chapter 74, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 7404. Authority on Radiation Protection.

4 (a) There is created an Authority on Radiation Protection which shall be governed in accordance with Authority
5 bylaws, established to ensure integrity, ~~accountability~~ accountability, and transparency regarding decisions of the Authority
6 which impact the citizens of Delaware. The Authority shall consist of the following members:

7 (1) The Secretary of the Department of Health and Social Services or ~~the Secretary's duly authorized~~
8 ~~designee; a designee appointed by the Secretary.~~

9 (2) The Secretary of the Department of Natural Resources and Environmental Control or ~~the Secretary's~~
10 ~~duly authorized designee; a designee appointed by the Secretary.~~

11 (3) ~~The Lead Administrator of the Office of Radiation Control in the Division of Public Health,~~
12 ~~Department of Health and Social Services and 12 other persons who shall be appointees of~~ Thirteen members,
13 appointed by the Governor to include:

14 a. ~~One appointee shall be from the Medical Society of Delaware; A Delaware licensed doctor of~~
15 medicine or osteopathy.

16 b. ~~One appointee shall be from the Delaware State Osteopathic Association; A Delaware~~
17 licensed dentist.

18 c. ~~One appointee shall be from the Dental Society of Delaware; A Delaware licensed doctor of~~
19 medicine or osteopathy specializing in radiology.

20 d. ~~One appointee shall be a qualified member from the staff or faculty of the University of~~
21 ~~Delaware or Delaware State University; A Delaware licensed veterinarian.~~

e. One appointee shall be a nonmedical member from industry; and A Delaware certified radiation technologist or technician.

f. The remaining 7 shall be appointed members of the public who need not fall into any of the other categories for membership on the Authority, but who have an interest in radiation protection. Each nonpublic member shall have had training in 1 or more of the following fields: radiology, nuclear medicine, radiation oncology, radiation physics, health physics or related sciences with specialization in ionizing radiation, provided however, that not more than 2 persons shall be specialists in any 1 of the above-named fields. Each county shall be represented by at least 2 members. Each of the 15 members shall have 1 vote. A Delaware licensed pharmacist.

g. Two qualified members from the staff or faculty of different Delaware institutions of higher education.

h. Two nonmedical members from industry.

i. Three members of the public, 1 representing each county, who need not fall into any of the other categories for membership on the Authority, but who have an interest in radiation protection. Each public member shall have had training or experience in one or more of the following fields: radiology, nuclear medicine, radiation oncology, radiation physics, health physics, or related sciences.

(b) Authority members appointed by the Governor shall be appointed for a term of 3 years. Each Authority member shall hold over after the expiration of the member's term until the member's successor has been appointed and has taken office. Vacancies shall be filled for the unexpired term. The Governor may remove a member for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office. If an appointed member fails to attend three successive meetings of the Authority without just cause, that member's position may be deemed vacant, and the Governor may appoint a replacement.

(c) The Secretary of Health and Social Services or the Secretary's duly authorized designee shall be Secretary of the Authority, and shall provide staffing and facilities required to enable the Office of Radiation Control to deliver core services as defined by the Delaware Radiation Control Regulations, as promulgated or amended by the Authority. The Office of Radiation Control in the Department of Health and Social Services shall be the administrative agent for the Authority. The Office of Radiation Control in the Department of Health and Social Services shall make such inspections, conduct such investigations, collect fees or administrative penalties established or levied by the Authority, administer such revenue through the General Fund, and do such other acts as may be necessary to carry out this chapter within the limits of the appropriation made for this purpose. The administrative agent shall have all of the powers conferred by law upon the

52 Authority except adopting the rules and regulations provided for in this chapter, subject, however, to the general direction
53 of the Authority.

54 (d) [Repealed.]

55 (e) The Authority shall elect a Chairperson to serve for at least 1 year from those members appointed by the
56 Governor. The Chairperson shall lead biennial review of the Authority bylaws, chair public hearings and issue approval of
57 regulations amended or promulgated by the Authority. A majority of the Authority shall constitute a quorum to transact its
58 business. Counting for quorum does not include member positions that are vacant.

59 (f) The Authority shall hold at least 4 regular meetings each calendar year and such special meetings as it deems
60 necessary.

61 (g) The Authority shall establish and provide biennial review of the Authority bylaws.

62 (h) The Authority shall review policies and programs relating to control of ionizing radiation and make
63 recommendations thereon to the agencies of the State.

64 (i) The Authority may aid the Department of Health and Social Services in the employment, training of and
65 prescribing of the power and duties of such individuals as may be necessary to carry out this chapter.

SYNOPSIS

This bill changes the requirements for members to be appointed to the Authority on Radiation Protection. It also allows for removal of a member by the Governor in certain limited circumstances, and clarifies the number of members needed to constitute a quorum.

Author: Senator S. McBride