

**SUBSTITUTE FOR
HOUSE BILL NO. 5647**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 13521 (MCL 333.13521), as amended by 1989 PA
56, and by adding section 13527.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13521. (1) The department shall promulgate rules
2 providing for general or specific licenses or registration, or
3 exemption from licensing or registration, for radioactive materials
4 and other sources of ionizing radiation. The rules ~~shall~~**MUST**
5 provide for amendment, suspension, or revocation of licenses. In
6 connection with those rules, **SUBJECT TO SECTION 13527**, the
7 department may promulgate rules to establish requirements for
8 record keeping, permissible levels of exposure, notification and
9 reports of accidents, protective measures, technical qualifications

1 of personnel, handling, transportation, storage, waste disposal,
2 posting and labeling of hazardous sources and areas, surveys, and
3 monitoring.

4 (2) The rules ~~shall~~**MUST** not limit the intentional exposure of
5 patients to radiation for the purpose of lawful therapy or research
6 conducted by licensed health professionals.

7 (3) The department shall promulgate rules specifying the
8 minimum training and performance standards for an individual using
9 a radiation machine for mammography as set forth in section 13523.

10 **SEC. 13527. (1) A PERSON SHALL NOT USE A HANDHELD DENTAL X-RAY**
11 **SYSTEM TO PERFORM DENTAL RADIOGRAPHY UNLESS THE MACHINE IS**
12 **REGISTERED WITH THE DEPARTMENT UNDER DEPARTMENT RULES FOR**
13 **REGISTRATION OF RADIATION MACHINES AND THE SYSTEM, THE PERSONNEL**
14 **OPERATING THE SYSTEM, AND THE FACILITY IN WHICH THE SYSTEM IS USED**
15 **MEET ALL OF THE FOLLOWING REQUIREMENTS:**

16 (A) THE SYSTEM HAS BEEN APPROVED FOR HUMAN USE BY THE UNITED
17 STATES FOOD AND DRUG ADMINISTRATION AND IS USED IN A MANNER
18 CONSISTENT WITH THAT APPROVAL.

19 (B) THE SYSTEM HAS A BACKSCATTER SHIELD THAT MEETS ALL OF THE
20 FOLLOWING REQUIREMENTS:

21 (i) THE SHIELD IS COMPOSED OF A LEADED POLYMER OR A LEAD-
22 EQUIVALENT SUBSTANCE THAT HAS A SUBSTANTIALLY EQUIVALENT PROTECTIVE
23 CAPACITY.

24 (ii) THE SHIELD HAS AT LEAST 0.5 MILLIMETERS OF LEAD OR LEAD-
25 EQUIVALENT SHIELDING, AS DETERMINED BY THE DEPARTMENT.

26 (iii) THE SHIELD IS PERMANENTLY AFFIXED TO THE SYSTEM.

27 (C) THE SYSTEM IS CALIBRATED BY ITS MANUFACTURER BEFORE ITS

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1 FIRST USE AND IS RECALIBRATED AT LEAST EVERY 24 MONTHS AFTER THE
2 DATE OF THE LAST CALIBRATION.

3 (D) WHEN NOT IN USE, THE SYSTEM IS STORED IN A MANNER THAT
4 RESTRICTS ACCESS TO THE SYSTEM, SUCH AS BY STORING THE SYSTEM IN A
5 LOCKED AREA OF THE FACILITY.

6 (E) EACH INDIVIDUAL WHO OPERATES THE SYSTEM IS AN INDIVIDUAL
7 WHO IS AUTHORIZED TO OPERATE A DENTAL RADIOGRAPHY MACHINE PURSUANT
8 TO RULES PROMULGATED UNDER PART 166. AN INDIVIDUAL OPERATING THE
9 SYSTEM IS NOT REQUIRED TO WEAR A LEAD APRON OR OTHER PERSONAL
10 MONITORING EQUIPMENT WHILE OPERATING THE SYSTEM IF IT IS DETERMINED
11 THAT THE USE OF THE SYSTEM IS IN COMPLIANCE WITH PART 381 OF THE
12 MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION OCCUPATIONAL
13 HEALTH STANDARDS, R 325.60601A TO R 325.60618 OF THE MICHIGAN
14 ADMINISTRATIVE CODE[, OR EQUIVALENT FEDERAL OCCUPATIONAL SAFETY AND
HEALTH STANDARDS]; PART 33 OF THE MICHIGAN OCCUPATIONAL SAFETY
15 AND HEALTH ADMINISTRATION GENERAL INDUSTRY SAFETY AND HEALTH
16 STANDARD, R 408.13301 TO R 408.13395G OF THE MICHIGAN
17 ADMINISTRATIVE CODE[, OR EQUIVALENT FEDERAL OCCUPATIONAL SAFETY AND
HEALTH STANDARDS]; R 333.5057 OF THE MICHIGAN ADMINISTRATIVE
18 CODE; AND R 333.5063 TO R 333.5065 OF THE MICHIGAN ADMINISTRATIVE
19 CODE. UPON REQUEST, A REGISTRANT SHALL MAKE A LEAD APRON OR OTHER
20 PERSONAL MONITORING EQUIPMENT AVAILABLE TO AN INDIVIDUAL WHO
21 OPERATES THE SYSTEM.

22 (F) THE SYSTEM IS NOT USED IF THE BACKSCATTER SHIELD DESCRIBED
23 IN SUBDIVISION (B) IS BROKEN, MISSING, OR MALFUNCTIONING.

24 (2) A HANDHELD DENTAL X-RAY SYSTEM THAT MEETS THE REQUIREMENTS
25 DESCRIBED IN THIS SECTION MAY BE USED FOR ROUTINE DENTAL
26 RADIOGRAPHY IN A DENTAL OFFICE OR A SITUATION IN WHICH IT IS
27 IMPRACTICAL TO TRANSFER A PATIENT TO A RADIATION MACHINE THAT IS

1 STATIONARY.

2 (3) AS USED IN THIS SECTION, "HANDHELD DENTAL X-RAY SYSTEM" OR
3 "SYSTEM" MEANS AN X-RAY SYSTEM THAT IS USED TO TAKE RADIOGRAPHS, IS
4 DESIGNED TO BE HANDHELD DURING ITS OPERATION, AND IS PORTABLE.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.