

# HOUSE BILL No. 5647

February 27, 2018, Introduced by Reps. Frederick, Lucido, Leutheuser, Sneller, Canfield and Liberati and referred to the Committee on Health Policy.

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

1 reports of accidents, protective measures, technical qualifications  
2 of personnel, handling, transportation, storage, waste disposal,  
3 posting and labeling of hazardous sources and areas, surveys, and  
4 monitoring.

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

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

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

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

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

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

25 (ii) THE SHIELD HAS AT LEAST 0.25 MILLIMETERS OF LEAD OR LEAD-  
26 EQUIVALENT SHIELDING, AS DETERMINED BY THE DEPARTMENT.

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

1 (C) THE SYSTEM IS CERTIFIED BY ITS MANUFACTURER BEFORE ITS  
2 FIRST USE AND IS RECERTIFIED AT LEAST EVERY 24 MONTHS AFTER THE  
3 DATE OF THE LAST CERTIFICATION.

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

7 (E) EACH INDIVIDUAL WHO OPERATES THE SYSTEM IS AN INDIVIDUAL  
8 WHO IS AUTHORIZED TO OPERATE A DENTAL RADIOGRAPHY MACHINE PURSUANT  
9 TO RULES PROMULGATED UNDER PART 166. AN INDIVIDUAL OPERATING THE  
10 SYSTEM IS NOT REQUIRED TO WEAR A LEAD APRON OR OTHER PERSONAL  
11 MONITORING EQUIPMENT WHILE OPERATING THE SYSTEM. HOWEVER, ON  
12 REQUEST, A REGISTRANT SHALL MAKE A LEAD APRON OR OTHER PERSONAL  
13 MONITORING EQUIPMENT AVAILABLE TO AN INDIVIDUAL WHO OPERATES THE  
14 SYSTEM.

15 (F) THE SYSTEM IS NOT USED IF THE BACKSCATTER SHIELD DESCRIBED  
16 IN SUBDIVISION (B) IS BROKEN.

17 (2) THE DEPARTMENT'S AUTHORITY TO PROMULGATE RULES UNDER  
18 SECTION 13521 DOES NOT INCLUDE THE AUTHORITY TO PROMULGATE OR  
19 ENFORCE A RULE THAT LIMITS THE USE OF A HANDHELD DENTAL X-RAY  
20 SYSTEM TO A SITUATION IN WHICH IT IS IMPRACTICAL TO TRANSFER A  
21 PATIENT TO A RADIATION MACHINE THAT IS STATIONARY.

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

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