



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1483

Introduced 2/23/2005, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

See Index

Amends the Radiation Protection Act of 1990. Changes references in the Act from the "Department of Nuclear Safety" to the "Illinois Emergency Management Agency". Provides for the Illinois Emergency Management Agency to issue a violation abatement order if an examination of records causes the Agency to believe there has been a violation of the Act or any rules or regulations promulgated under the Act. Effective immediately.

LRB094 04311 RSP 34338 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Radiation Protection Act of 1990 is amended
5 by changing Sections 4, 5, 6, 7, 7a, 9, 10, 11, 11.5, 12, 13,
6 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24.5, 24.7, 25,
7 25.1, 25.2, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38,
8 39, 40, 43, 44, 45, and 49 as follows:

9 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

10 (Section scheduled to be repealed on January 1, 2011)

11 Sec. 4. Definitions. As used in this Act:

12 (a) "Accreditation" means the process by which the Agency
13 ~~Department of Nuclear Safety~~ grants permission to persons
14 meeting the requirements of this Act and the Department's rules
15 and regulations to engage in the practice of administering
16 radiation to human beings.

17 (a-2) "Agency" means the Illinois Emergency Management
18 Agency.

19 (a-3) "Assistant Director" means the Assistant Director of
20 the Agency.

21 (a-5) "By-product material" means: (1) any radioactive
22 material (except special nuclear material) yielded in or made
23 radioactive by exposure to radiation incident to the process of
24 producing or utilizing special nuclear material; and (2) the
25 tailings or wastes produced by the extraction or concentration
26 of uranium or thorium from any ore processed primarily for its
27 source material content, including discrete surface wastes
28 resulting from underground solution extraction processes but
29 not including underground ore bodies depleted by such solution
30 extraction processes.

31 (b) (Blank). ~~"Department" means the Department of Nuclear~~
32 ~~Safety in the State of Illinois.~~

1 (c) (Blank). ~~"Director" means the Director of the~~
2 ~~Department of Nuclear Safety.~~

3 (d) "General license" means a license, pursuant to
4 regulations promulgated by the Agency Department, effective
5 without the filing of an application to transfer, acquire, own,
6 possess or use quantities of, or devices or equipment
7 utilizing, radioactive material, including but not limited to
8 by-product, source or special nuclear materials.

9 (d-3) "Mammography" means radiography of the breast
10 primarily for the purpose of enabling a physician to determine
11 the presence, size, location and extent of cancerous or
12 potentially cancerous tissue in the breast.

13 (d-7) "Operator" is an individual, group of individuals,
14 partnership, firm, corporation, association, or other entity
15 conducting the business or activities carried on within a
16 radiation installation.

17 (e) "Person" means any individual, corporation,
18 partnership, firm, association, trust, estate, public or
19 private institution, group, agency, political subdivision of
20 this State, any other State or political subdivision or agency
21 thereof, and any legal successor, representative, agent, or
22 agency of the foregoing, other than the United States Nuclear
23 Regulatory Commission, or any successor thereto, and other than
24 federal government agencies licensed by the United States
25 Nuclear Regulatory Commission, or any successor thereto.
26 "Person" also includes a federal entity (and its contractors)
27 if the federal entity agrees to be regulated by the State or as
28 otherwise allowed under federal law.

29 (f) "Radiation" or "ionizing radiation" means gamma rays
30 and x-rays, alpha and beta particles, high speed electrons,
31 neutrons, protons, and other nuclear particles or
32 electromagnetic radiations capable of producing ions directly
33 or indirectly in their passage through matter; but does not
34 include sound or radio waves or visible, infrared, or
35 ultraviolet light.

36 (f-5) "Radiation emergency" means the uncontrolled release

1 of radioactive material from a radiation installation which
2 poses a potential threat to the public health, welfare, and
3 safety.

4 (g) "Radiation installation" is any location or facility
5 where radiation machines are used or where radioactive material
6 is produced, transported, stored, disposed of, or used for any
7 purpose.

8 (h) "Radiation machine" is any device that produces
9 radiation when in use.

10 (i) "Radioactive material" means any solid, liquid, or
11 gaseous substance which emits radiation spontaneously.

12 (j) "Radiation source" or "source of ionizing radiation"
13 means a radiation machine or radioactive material as defined
14 herein.

15 (k) "Source material" means (1) uranium, thorium, or any
16 other material which the Agency ~~Department~~ declares by order to
17 be source material after the United States Nuclear Regulatory
18 Commission, or any successor thereto, has determined the
19 material to be such; or (2) ores containing one or more of the
20 foregoing materials, in such concentration as the Agency
21 ~~Department~~ declares by order to be source material after the
22 United States Nuclear Regulatory Commission, or any successor
23 thereto, has determined the material in such concentration to
24 be source material.

25 (l) "Special nuclear material" means (1) plutonium,
26 uranium 233, uranium enriched in the isotope 233 or in the
27 isotope 235, and any other material which the Agency ~~Department~~
28 declares by order to be special nuclear material after the
29 United States Nuclear Regulatory Commission, or any successor
30 thereto, has determined the material to be such, but does not
31 include source material; or (2) any material artificially
32 enriched by any of the foregoing, but does not include source
33 material.

34 (m) "Specific license" means a license, issued after
35 application, to use, manufacture, produce, transfer, receive,
36 acquire, own, or possess quantities of, or devices or equipment

1 utilizing radioactive materials.

2 (Source: P.A. 91-188, eff. 7-20-99; 91-340, eff. 7-29-99;
3 92-16, eff. 6-28-01.)

4 (420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

5 (Section scheduled to be repealed on January 1, 2011)

6 Sec. 5. Limitations on application of radiation to human
7 beings and requirements for radiation installation operators
8 providing mammography services.

9 (a) No person shall intentionally administer radiation to a
10 human being unless such person is licensed to practice a
11 treatment of human ailments by virtue of the Illinois Medical,
12 Dental or Podiatric Medical Practice Acts, or, as physician
13 assistant, advanced practice nurse, technician, nurse, or
14 other assistant, is acting under the supervision, prescription
15 or direction of such licensed person. However, no such
16 physician assistant, advanced practice nurse, technician,
17 nurse, or other assistant acting under the supervision of a
18 person licensed under the Medical Practice Act of 1987, shall
19 administer radiation to human beings unless accredited by the
20 Agency ~~Department of Nuclear Safety~~, except that persons
21 enrolled in a course of education approved by the Agency
22 ~~Department of Nuclear Safety~~ may apply ionizing radiation to
23 human beings as required by their course of study when under
24 the direct supervision of a person licensed under the Medical
25 Practice Act of 1987. No person authorized by this Section to
26 apply ionizing radiation shall apply such radiation except to
27 those parts of the human body specified in the Act under which
28 such person or his supervisor is licensed. No person may
29 operate a radiation installation where ionizing radiation is
30 administered to human beings unless all persons who administer
31 ionizing radiation in that radiation installation are
32 licensed, accredited, or exempted in accordance with this
33 Section. Nothing in this Section shall be deemed to relieve a
34 person from complying with the provisions of Section 10.

35 (b) In addition, no person shall provide mammography

1 services unless all of the following requirements are met:

2 (1) the mammography procedures are performed using a
3 radiation machine that is specifically designed for
4 mammography;

5 (2) the mammography procedures are performed using a
6 radiation machine that is used solely for performing
7 mammography procedures;

8 (3) the mammography procedures are performed using
9 equipment that has been subjected to a quality assurance
10 program that satisfies quality assurance requirements
11 which the Agency Department shall establish by rule;

12 (4) beginning one year after the effective date of this
13 amendatory Act of 1991, if the mammography procedure is
14 performed by a radiologic technologist, that technologist,
15 in addition to being accredited by the Agency Department to
16 perform radiography, has satisfied training requirements
17 specific to mammography, which the Agency Department shall
18 establish by rule.

19 (c) Every operator of a radiation installation at which
20 mammography services are provided shall ensure and have
21 confirmed by each mammography patient that the patient is
22 provided with a pamphlet which is orally reviewed with the
23 patient and which contains the following:

24 (1) how to perform breast self-examination;

25 (2) that early detection of breast cancer is maximized
26 through a combined approach, using monthly breast
27 self-examination, a thorough physical examination
28 performed by a physician, and mammography performed at
29 recommended intervals;

30 (3) that mammography is the most accurate method for
31 making an early detection of breast cancer, however, no
32 diagnostic tool is 100% effective;

33 (4) that if the patient is self-referred and does not
34 have a primary care physician, or if the patient is
35 unfamiliar with the breast examination procedures, that
36 the patient has received information regarding public

1 health services where she can obtain a breast examination
2 and instructions.

3 (Source: P.A. 93-149, eff. 7-10-03.)

4 (420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)

5 (Section scheduled to be repealed on January 1, 2011)

6 Sec. 6. Accreditation of administrators of radiation;
7 Limited scope accreditation; Rules and regulations; Education.

8 (a) The Agency ~~Department~~ shall promulgate such rules and
9 regulations as are necessary to establish accreditation
10 standards and procedures, including a minimum course of
11 education and continuing education requirements in the
12 administration of radiation to human beings, which are
13 appropriate to the classification of accreditation and which
14 are to be met by all physician assistants, advanced practice
15 nurses, nurses, technicians, or other assistants who
16 administer radiation to human beings under the supervision of a
17 person licensed under the Medical Practice Act of 1987. Such
18 rules and regulations may provide for different classes of
19 accreditation based on evidence of national certification,
20 clinical experience or community hardship as conditions of
21 initial and continuing accreditation. The rules and
22 regulations of the Agency ~~Department~~ shall be consistent with
23 national standards in regard to the protection of the health
24 and safety of the general public.

25 (b) The rules and regulations shall also provide that
26 persons who have been accredited by the Agency ~~Department~~, in
27 accordance with the Radiation Protection Act, without passing
28 an examination, will remain accredited as provided in Section
29 43 of this Act and that those persons may be accredited,
30 without passing an examination, to use other equipment,
31 procedures, or supervision within the original category of
32 accreditation if the Agency ~~Department~~ receives written
33 assurances from a person licensed under the Medical Practice
34 Act of 1987, that the person accredited has the necessary skill
35 and qualifications for such additional equipment procedures or

1 supervision. The Agency ~~Department~~ shall, in accordance with
2 subsection (c) of this Section, provide for the accreditation
3 of nurses, technicians, or other assistants, unless exempted
4 elsewhere in this Act, to perform a limited scope of diagnostic
5 radiography procedures of the chest, the extremities, skull and
6 sinuses, or the spine, while under the supervision of a person
7 licensed under the Medical Practice Act of 1987.

8 (c) The rules or regulations promulgated by the Agency
9 ~~Department~~ pursuant to subsection (a) shall establish
10 standards and procedures for accrediting persons to perform a
11 limited scope of diagnostic radiography procedures. The rules
12 or regulations shall require persons seeking limited scope
13 accreditation to register with the Agency ~~Department~~ as a
14 "student-in-training," and declare those procedures in which
15 the student will be receiving training. The
16 student-in-training registration shall be valid for a period of
17 16 months, during which the time the student may, under the
18 supervision of a person licensed under the Medical Practice Act
19 of 1987, perform the diagnostic radiography procedures listed
20 on the student's registration. The student-in-training
21 registration shall be nonrenewable.

22 Upon expiration of the 16 month training period, the
23 student shall be prohibited from performing diagnostic
24 radiography procedures unless accredited by the Agency
25 ~~Department~~ to perform such procedures. In order to be
26 accredited to perform a limited scope of diagnostic radiography
27 procedures, an individual must pass an examination offered by
28 the Agency ~~Department~~. The examination shall be consistent with
29 national standards in regard to protection of public health and
30 safety. The examination shall consist of a standardized
31 component covering general principles applicable to diagnostic
32 radiography procedures and a clinical component specific to the
33 types of procedures for which accreditation is being sought.
34 The Agency ~~Department~~ may assess a reasonable fee for such
35 examinations to cover the costs incurred by the Department in
36 conjunction with offering the examinations.

1 (d) The Agency ~~Department~~ shall by rule or regulation
2 exempt from accreditation physician assistants, advanced
3 practice nurses, nurses, technicians, or other assistants who
4 administer radiation to human beings under supervision of a
5 person licensed to practice under the Medical Practice Act of
6 1987 when the services are performed on employees of a business
7 at a medical facility owned and operated by the business. Such
8 exemption shall only apply to the equipment, procedures and
9 supervision specific to the medical facility owned and operated
10 by the business.

11 (Source: P.A. 93-149, eff. 7-10-03.)

12 (420 ILCS 40/7) (from Ch. 111 1/2, par. 210-7)

13 (Section scheduled to be repealed on January 1, 2011)

14 Sec. 7. Administrators of radiation; application for
15 accreditation and renewal; fees; Fund. Applications for
16 accreditation and renewal shall be made upon forms prescribed
17 and furnished by the Agency ~~Department~~ and shall be accompanied
18 by the required fees. Each such application for accreditation
19 or renewal shall be accompanied by such proof of compliance
20 with the applicable requirements as the Agency ~~Department~~ may
21 by rule require. Accreditation shall be renewed every 2 years,
22 or for a lesser period as established by rule for accreditation
23 based upon conditions of community hardship. The Agency
24 ~~Department~~ may deny an application for accreditation or
25 renewal, or may suspend or revoke accreditation under standards
26 and procedures established by the Agency ~~Department~~.

27 Except as provided in Section 6, the Agency ~~Department~~
28 shall not impose an examination fee. The Agency ~~Department~~
29 shall by rule establish application fees for accreditation or
30 renewal.

31 (Source: P.A. 90-391, eff. 8-15-97.)

32 (420 ILCS 40/7a) (from Ch. 111 1/2, par. 210-7a)

33 (Section scheduled to be repealed on January 1, 2011)

34 Sec. 7a. Certification of Industrial Radiographers.

1 (a) Beginning January 1, 1993, no person may perform
2 industrial radiography unless he or she is certified by the
3 Department of Nuclear Safety or its successor, the Illinois
4 Emergency Management Agency, to perform industrial
5 radiography. The Agency ~~Department~~ shall promulgate
6 regulations establishing standards and procedures for
7 certification of industrial radiographers. The regulations may
8 include, without limitation, provisions specifying a minimum
9 course of study and requiring that individuals seeking
10 certification pass an examination administered or approved by
11 the Agency ~~Department~~. Industrial radiography certification
12 shall be valid for 5 years, except that certifications for
13 industrial radiography trainees shall be valid for 2 years. The
14 Agency ~~Department~~ shall establish by regulation standards and
15 procedures for renewal of certification. The regulations shall
16 provide that certification for industrial radiography trainees
17 shall be nonrenewable.

18 (b) The ~~Department's~~ regulations of the Department of
19 Nuclear Safety, as the predecessor agency of the Illinois
20 Emergency Management Agency, shall ~~also~~ provide for
21 provisional certification of persons who performed industrial
22 radiography before January 1, 1993. In order to obtain
23 provisional certification, the industrial radiographer must
24 apply to the Department no later than January 1, 1993.
25 Provisional certification shall be valid for 2 years, provided
26 that a person who has obtained a provisional certification must
27 take an examination that is administered or approved by the
28 Department within 12 months of the date on which the
29 provisional certification was issued. Upon passing the
30 examination, the Department shall certify the individual as an
31 industrial radiographer. Provisional certification shall be
32 nonrenewable.

33 (c) The Agency ~~Department~~ may, by regulation, assess
34 certification fees and fees to recover the cost of examining
35 applicants for certification.

36 (d) The Agency ~~Department~~ may suspend or revoke the

1 certification of an industrial radiographer, or take other
2 action as provided in Sections 36 and 38 of this Act, if a
3 certified industrial radiographer violates this Act or any rule
4 or regulation promulgated under this Act, or otherwise
5 endangers the safety of himself, his co-workers, or members of
6 the general public. It shall be a violation of this Act for any
7 person to allow an individual who is not a certified industrial
8 radiographer to perform industrial radiography.

9 (Source: P.A. 87-604; 87-1166.)

10 (420 ILCS 40/9) (from Ch. 111 1/2, par. 210-9)

11 (Section scheduled to be repealed on January 1, 2011)

12 Sec. 9. Rules and regulations. No person shall use
13 radiation in contravention of such rules and regulations as the
14 Agency Department may make relating to the control of ionizing
15 radiation. The Agency Department shall promulgate rules to
16 provide specific standards for (1) determining what financial
17 surety arrangements are required for license approval; (2)
18 determining when an application for license is for an activity
19 which adversely affects the environment, how it will approve
20 such license, and what conditions it will impose before
21 approval; (3) determining to what maximum level a licensee must
22 remove radiation contamination; (4) determining when a product
23 contains a high degree of utility and a low probability of
24 uncontrolled disposal and dispersal; (5) providing what
25 constitutes an emergency for the purposes of waiving notice
26 requirements for out-of-state licensees; and (6) authorizing
27 the injection of radioactive material into potable aquifers.

28 (Source: P.A. 86-1341.)

29 (420 ILCS 40/10) (from Ch. 111 1/2, par. 210-10)

30 (Section scheduled to be repealed on January 1, 2011)

31 Sec. 10. Licensing of certain sources of ionizing
32 radiation.

33 (1) The Agency Department shall provide by rule or
34 regulation for general or specific licensing of by-product

1 materials, source materials, special nuclear materials, or
2 devices or equipment utilizing or producing such materials.
3 Such rule or regulation shall provide for amendment,
4 suspension, or revocation of licenses.

5 (2) The Agency ~~Department~~ is authorized to require
6 registration of other sources of ionizing radiation.

7 (3) The Agency ~~Department~~ is authorized to exempt certain
8 sources of ionizing radiation or kinds of uses or users from
9 the licensing requirements set forth in this section when the
10 Agency ~~Department~~ makes a finding that the exemption of such
11 sources of ionizing radiation or kinds of uses or users will
12 not constitute a significant risk to health and safety of the
13 public.

14 (4) The Agency ~~Department~~ is authorized to enforce rules
15 pertaining to labeling, handling, packaging, transferring and
16 transporting radiation sources.

17 (5) The Agency ~~Department~~ is authorized to require
18 licensees, including those conducting activities involving
19 by-product material as defined in subsection (a-5)(2) of
20 Section 4 or possessing such material, to provide adequate
21 financial assurances such as surety bonds, cash deposits,
22 certificates of deposit, or deposits of government securities
23 to protect the State against costs in the event of site
24 abandonment or failure of a licensee to meet the Agency's
25 ~~Department's~~ requirements, as well as the costs of site
26 reclamation and long-term site monitoring and maintenance. In
27 the event that custody of by-product material as defined in
28 subsection (a-5)(2) of Section 4, and the site at which such
29 material is disposed of, is transferred to the Federal
30 Government, any financial assurances collected for reclamation
31 and long-term monitoring and maintenance for that site shall be
32 transferred to the Federal Government.

33 (6) The Agency ~~Department~~ is authorized to promulgate rules
34 establishing radiation exposure limits for given population
35 groups, including differential exposure limits based on age.

36 (7) The Agency ~~Department~~ is authorized to promulgate rules

1 to provide specific standards for what training or equivalent
2 experience it will require of a physician before approving a
3 specific license for human use of sealed radiation sources.

4 (8) Rules and regulations promulgated to implement this Act
5 may provide for recognition of other State or Federal licenses
6 as the Agency ~~Department~~ may deem desirable, subject to such
7 registration requirements as the Agency ~~Department~~ may
8 prescribe.

9 (9) This Section shall not be applicable to radiation
10 sources or materials regulated by the U.S. Nuclear Regulatory
11 Commission until an agreement or agreements have been entered
12 into pursuant to Section 11 of this Act.

13 (10) In the licensing and the regulation of by-product
14 material as defined in subsection (a-5) (2) of Section 4, or of
15 any activity which results in the production of such by-product
16 material, the Agency ~~Department~~ shall provide by rule or
17 regulation, and shall require compliance with, standards for
18 the protection of the public health and safety and the
19 environment which are equivalent to, to the extent practicable,
20 or more stringent than, standards adopted and enforced by the
21 U.S. Nuclear Regulatory Commission for the same purpose,
22 including requirements and standards promulgated by the U.S.
23 Environmental Protection Agency.

24 (11) Not later than 30 days after submission to the Agency
25 ~~Department~~ of an application for a new license for a fixed
26 location facility or a license amendment for a new location for
27 a facility, the Agency ~~Department~~ shall provide written notice
28 of the application to the municipality where the facility is to
29 be located. If the facility is to be located in an
30 unincorporated area, the notice shall be provided to the county
31 in which the facility is to be located and to each municipality
32 located within one and one-half miles of the facility. As used
33 in this subsection, "fixed location facility" or "facility"
34 means a parcel of land or a site, including the structures,
35 equipment, and improvements on or appurtenant to the land or
36 site, that is to be used by the applicant for the utilization,

1 manufacture, storage, or distribution of licensed radioactive
2 materials or devices or equipment utilizing or producing
3 licensed radioactive materials, but shall not include a
4 temporary job site.

5 (Source: P.A. 90-359, eff. 8-10-97; 91-340, eff. 7-29-99.)

6 (420 ILCS 40/11) (from Ch. 111 1/2, par. 210-11)

7 (Section scheduled to be repealed on January 1, 2011)

8 Sec. 11. Federal-State Agreements.

9 (1) The Governor, on behalf of this State, is authorized to
10 enter into agreements with the Federal Government providing for
11 discontinuance of certain of the Federal Government's
12 responsibilities with respect to sources of ionizing radiation
13 and the assumption thereof by this State, including, but not
14 limited to, agreements concerning by-product material as
15 defined in Section 11(e)(2) of the Atomic Energy Act of 1954,
16 42 U.S.C. 2014(e)(2).

17 (2) Any person who, on the effective date of an agreement
18 under subsection (1) above, possesses a license issued by the
19 Federal Government governing activities for which the Federal
20 Government, pursuant to such agreement, is transferring its
21 responsibilities to this State shall be deemed to possess the
22 same pursuant to a license issued under this Act, which shall
23 expire 90 days after receipt from the Department of Nuclear
24 Safety (or its successor agency, the Illinois Emergency
25 Management Agency) of a notice of expiration of such license,
26 or on the date of expiration specified in the Federal license,
27 whichever is earlier.

28 (3) At such time as Illinois enters into a Federal-State
29 Agreement in accordance with the provisions of this Act, the
30 Agency Department shall license and collect license fees from
31 persons operating radiation installations, including
32 installations involving the use or possession of by-product
33 material as defined in subsection (a-5)(2) of Section 4 and
34 installations having such devices or equipment utilizing or
35 producing radioactive materials but licensure shall not apply

1 to any x-ray machine, including those located in an office of a
2 licensed physician or dentist. The Agency ~~Department~~ may also
3 collect license fees from persons authorized by the Agency
4 ~~Department~~ to engage in decommissioning and decontamination
5 activities at radiation installations including installations
6 licensed to use or possess by-product material as defined in
7 subsection (a-5)(2) of Section 4. The license fees collected
8 from persons authorized to use or possess by-product material
9 as defined in subsection (a-5)(2) of Section 4 or to engage in
10 decommissioning and decontamination activities at radiation
11 installations where such by-product material is used or
12 possessed may include fees sufficient to cover the expenses
13 incurred by the Department in conjunction with monitoring
14 unlicensed properties contaminated with by-product material as
15 defined in subsection (a-5)(2) of Section 4 and overseeing the
16 decontamination of such unlicensed properties.

17 The Agency ~~Department~~ may impose fees for termination of
18 licenses including, but not limited to, licenses for refining
19 uranium mill concentrates to uranium hexafluoride; licenses
20 for possession and use of source material at ore buying
21 stations, at ion exchange facilities and at facilities where
22 ore is processed to extract metals other than uranium or
23 thorium; and licenses authorizing the use or possession of
24 by-product material as defined in subsection (a-5)(2) of
25 Section 4. The Agency ~~Department~~ may also set license fees for
26 licenses which authorize the distribution of devices,
27 products, or sealed sources involved in the production,
28 utilization, or containment of radiation. After a public
29 hearing before the Agency ~~Department~~, the fees and collection
30 procedures shall be prescribed under rules and regulations for
31 protection against radiation hazards promulgated under this
32 Act.

33 (4) The Agency ~~Department~~ is authorized to enter into
34 agreements related to the receipt and expenditure of federal
35 grants and other funds to provide assistance to states and
36 compact regions in fulfilling responsibilities under the

1 federal Low-Level Radioactive Waste Policy Act, as amended.

2 (Source: P.A. 91-86, eff. 7-9-99; 91-340, eff. 7-29-99; 92-16,
3 eff. 6-28-01.)

4 (420 ILCS 40/11.5)

5 (Section scheduled to be repealed on January 1, 2011)

6 Sec. 11.5. State regulation of federal entities. The Agency
7 ~~Department~~ is authorized to regulate federal entities (and
8 their contractors) and radiation sources operated or possessed
9 by federal entities (or their contractors) if the federal
10 entities agree to be regulated by the State or the regulation
11 is otherwise allowed under federal law. The Agency ~~Department~~
12 may, by rule, establish fees to support the regulation.

13 (Source: P.A. 91-188, eff. 7-20-99.)

14 (420 ILCS 40/12) (from Ch. 111 1/2, par. 210-12)

15 (Section scheduled to be repealed on January 1, 2011)

16 Sec. 12. State licensure of the use, manufacture or
17 distribution of radioactive materials or devices or equipment
18 utilizing or producing such materials not regulated by the
19 United States Nuclear Regulatory Commission. Except as
20 otherwise provided in this Act, no person shall utilize,
21 manufacture, or distribute radioactive materials or devices or
22 equipment utilizing or producing such materials in this State
23 with the exception of those materials or devices regulated by
24 the Nuclear Regulatory Commission, without first securing a
25 license. After public hearing, the Agency ~~Department~~
26 adopt rules and regulations for:

27 (1) The issuance of licenses;

28 (2) The utilization, manufacture and distribution of
29 such radioactive materials or devices or equipment
30 utilizing or producing such materials; and

31 (3) The amendment, suspension or revocation of
32 licenses.

33 The Agency ~~Department~~ may, by rule and regulation, exempt
34 certain sources of radiation or kinds of radiation or users

1 from the licensure and fee requirements of this Section when
2 the Department makes a finding that such exemption will not
3 constitute a significant risk to the health and safety of the
4 public. State, county, and municipal governmental agencies and
5 educational institutions shall be subject to licensure, but are
6 exempt from fee requirements of this Section.

7 Applications for licenses shall be made upon forms
8 prescribed and furnished by the Agency ~~Department~~ and shall be
9 accompanied by the fees provided herein. Licenses shall expire
10 according to a schedule determined by the Agency ~~Department~~.

11 Application and license fees shall be set by rule of the
12 Agency ~~Department~~.

13 This Section shall not apply to any x-ray machine including
14 those located in an office of a licensed physician or dentist.

15 (Source: P.A. 91-188, eff. 7-20-99.)

16 (420 ILCS 40/13) (from Ch. 111 1/2, par. 210-13)

17 (Section scheduled to be repealed on January 1, 2011)

18 Sec. 13. Custody of by-product disposal sites; storage and
19 disposal fee.

20 (1) Any radioactive materials license which authorizes any
21 activity that results in the production of by-product material
22 as defined in subsection (a-5)(2) of Section 4 or which
23 authorizes the possession of such by-product material, and
24 which is subsequently terminated without renewal, shall be
25 terminated in compliance with this Section and the rules and
26 regulations promulgated pursuant thereto.

27 (2) Any radioactive materials license issued or renewed
28 after August 5, 1988, which authorizes any activity that
29 results in the production of by-product material as defined in
30 subsection (a-5)(2) of Section 4 or which authorizes the
31 possession of such by-product material shall contain such terms
32 and conditions as the Agency ~~Department~~ determines to be
33 necessary to assure that, prior to termination of such license:

34 (A) The licensee will comply with prerequisites for
35 termination including, but not limited to,

1 decontamination, decommissioning and reclamation
2 requirements prescribed by the Agency ~~Department~~ which
3 shall be equivalent to, to the extent practicable, or more
4 stringent than, those of the U.S. Nuclear Regulatory
5 Commission for sites at which ores were processed primarily
6 for their source material content, and at which such
7 by-product material as defined in subsection (a-5)(2) of
8 Section 4 is deposited.

9 (B) If the State exercises the option to acquire land
10 used for the disposal of by-product material as defined in
11 subsection (a-5)(2) of Section 4, ownership of the land and
12 such by-product material which resulted from the licensed
13 activity shall, subject to the provisions of this Act, be
14 transferred to the State.

15 (3) The Agency ~~Department~~ shall:

16 (A) Require by rule, regulation or order that, prior to
17 the termination of any license, title to both the land
18 which is used under such license for disposal of by-product
19 material as defined in subsection (a-5)(2) of Section 4,
20 and the by-product material as defined in subsection
21 (a-5)(2) of Section 4, shall be transferred to the United
22 States or the State unless, prior to such termination, the
23 U.S. Nuclear Regulatory Commission determines that
24 transfer of title to such land and such by-product material
25 is not necessary or desirable to protect the public health,
26 safety or welfare.

27 (B) Terminate radioactive materials licenses that
28 authorize any activity that results in the production of
29 by-product material as defined in subsection (a-5)(2) of
30 Section 4 or that authorize the possession of such
31 material, only if, prior to termination of such licenses,
32 the licensee has completed decontamination of all
33 properties that have been identified as being contaminated
34 with by-product material at the licensed site and the U.S.
35 Nuclear Regulatory Commission has determined that all
36 applicable standards and requirements pertaining to such

1 material have been met.

2 (C) In the event title is transferred to the State in
3 accordance with paragraph (B) of subsection (2) of this
4 Section, maintain the by-product material as defined in
5 subsection (a-5)(2) of Section 4 and the land used for
6 disposal of such by-product material in such a manner as to
7 protect the public health and safety and the environment.

8 (D) Undertake such monitoring, maintenance and
9 emergency measures as are necessary, determined on its own
10 initiative or by the U.S. Nuclear Regulatory Commission, to
11 protect the public health and safety from those materials
12 and property for which the State has assumed custody
13 pursuant to this Act.

14 (4) The transfer of title to land used for disposal of
15 by-product material as defined in subsection (a-5)(2) of
16 Section 4 or such by-product material to the United States or
17 the State shall not relieve any licensee of liability for any
18 breach of contract, tort or fraudulent or negligent act or
19 omission prior to such transfer.

20 (5) By-product material as defined in subsection (a-5)(2)
21 of Section 4 and land transferred to the United States or the
22 State in accordance with this Section shall be transferred
23 without cost to the United States or the State, other than
24 administrative and legal costs incurred by the United States or
25 the State in carrying out such transfer.

26 (6) In accordance with the provisions of the Uranium Mill
27 Tailings Radiation Control Act of 1978, the use of the surface
28 or subsurface estates, or both, of the land transferred to the
29 United States or the State pursuant to paragraph (B) of
30 subsection (2) of this Section is prohibited unless the
31 Commission permits such use after first determining that the
32 use would not endanger the public health, safety or welfare or
33 the environment.

34 (Source: P.A. 91-340, eff. 7-29-99.)

35 (420 ILCS 40/14) (from Ch. 111 1/2, par. 210-14)

1 (Section scheduled to be repealed on January 1, 2011)

2 Sec. 14. Radiation Protection Advisory Council. There
3 shall be created a Radiation Protection Advisory Council
4 consisting of 7 members to be appointed by the Governor on the
5 basis of demonstrated interest in and capacity to further the
6 purposes of this Act and who shall broadly reflect the varied
7 interests in and aspects of atomic energy and ionizing
8 radiation within the State. The Director of the Department of
9 Labor and the Chairman of the Commerce Commission or their
10 representatives shall be ex-officio members of the Council.

11 Each member of the Council shall be appointed for a 4 year
12 term and shall continue to serve until a successor is
13 appointed. Any member appointed to fill a vacancy occurring
14 prior to the expiration of the term for which his or her
15 predecessor was appointed shall continue to serve until a
16 successor is appointed. The Chairman of the Council shall be
17 selected by and from the Council membership. The Council
18 members shall serve without compensation but shall be
19 reimbursed for their actual expenses incurred in line of duty.
20 The Council shall meet as often as the Chairman deems
21 necessary, but upon request of 4 or more members it shall be
22 the duty of the Chairman to call a meeting of the Council.

23 It shall be the duty of the Council to assist in the
24 formulation of and to review the policies and program of the
25 Agency ~~Department~~ as developed under authority of this Act and
26 to make recommendations thereon and to provide the Agency
27 ~~Department~~ with such technical advice and assistance as may be
28 requested. The Council may employ such professional,
29 technical, clerical and other assistants, without regard to the
30 civil service laws or the "Personnel Code" of this State, as it
31 deems necessary to carry out its duties.

32 Individuals who serve on advisory boards of the Department
33 of Nuclear Safety or its successor agency, the Illinois
34 Emergency Management Agency, shall be defended by the Attorney
35 General and indemnified for all actions alleging a violation of
36 any duty arising within the scope of their service on such

1 board. Nothing contained herein shall be deemed to afford
2 defense or indemnification for any willful or wanton violation
3 of law. Such defense and indemnification shall be afforded in
4 accordance with the terms and provisions of the State Employee
5 Indemnification Act.

6 (Source: P.A. 91-172, eff. 7-16-99.)

7 (420 ILCS 40/15) (from Ch. 111 1/2, par. 210-15)

8 (Section scheduled to be repealed on January 1, 2011)

9 Sec. 15. Radiologic Technologist Accreditation Advisory
10 Board.

11 (a) There shall be created a Radiologic Technologist
12 Accreditation Advisory Board consisting of 13 members to be
13 appointed by the Governor on the basis of demonstrated interest
14 in and capacity to further the purposes of this Act: one
15 physician licensed to practice medicine in all its branches
16 specializing in nuclear medicine; one physician licensed to
17 practice medicine in all its branches specializing in
18 diagnostic radiology; one physician licensed to practice
19 medicine in all its branches specializing in therapeutic
20 radiology; 3 physicians licensed to practice medicine in all
21 its branches who do not specialize in radiology; one medical
22 radiation physicist; one radiologic technologist
23 (radiography); one radiologic technologist (nuclear medicine);
24 one radiologic technologist (therapy); one chiropractor; one
25 person accredited by the Agency ~~Department~~ to perform a limited
26 scope of diagnostic radiography procedures; and one registered
27 nurse. The Assistant Director ~~of the Department of Nuclear~~
28 ~~Safety~~ or his representative shall be an ex officio member of
29 the Board with voting privileges in case of a tie. The Board
30 may appoint consultants to assist in administering this Act.

31 (b) Any person serving on the Board who is a practitioner
32 of a profession or occupation required to be accredited
33 pursuant to this Act, shall be the holder of an appropriate
34 accreditation issued by the State, except in the case of the
35 initial Board members.

1 (c) Each member of the Board shall be appointed for a 3
2 year term and shall continue to serve until a successor is
3 appointed. Any member appointed to fill a vacancy occurring
4 prior to the expiration of the term for which his or her
5 predecessor was appointed shall continue to serve until a
6 successor is appointed. No more than 2 successive terms shall
7 be served by a Board member.

8 (d) The Chairman of the Board shall be selected by and from
9 the Board membership.

10 (e) The Board members shall serve without compensation but
11 shall be reimbursed for their actual expenses incurred in line
12 of duty.

13 (f) All members of the Board shall be legal residents of
14 the State and shall have practiced for a minimum period of 2
15 years immediately preceding appointment.

16 (g) The Board shall meet as often as the Chairman deems
17 necessary, but upon request of 7 or more members it shall be
18 the duty of the Chairman to call a meeting of the Board.

19 (h) The Board shall advise, consult with and make
20 recommendations to the Agency Department with respect to
21 accreditation requirements to be promulgated by the Agency
22 ~~Department~~; however, the actions of the Board shall be advisory
23 only with respect to the Agency Department.

24 (i) Individuals who serve on advisory boards of the
25 Department of Nuclear Safety or its successor agency, the
26 Illinois Emergency Management Agency, shall be defended by the
27 Attorney General and indemnified for all actions alleging a
28 violation of any duty arising within the scope of their service
29 on such advisory board. Nothing contained herein shall be
30 deemed to afford defense or indemnification for any willful or
31 wanton violation of law. Such defense and indemnification shall
32 be afforded in accordance with the terms and provisions of the
33 State Employees Indemnification Act.

34 (Source: P.A. 90-655, eff. 7-30-98; 91-172, eff. 7-16-99.)

1 (Section scheduled to be repealed on January 1, 2011)

2 Sec. 16. Functions and powers of Agency Department. The
3 Agency Department shall administer this Act and promulgate by
4 codes, rules, regulations, or orders such standards and
5 instructions to govern the possession and use of any radiation
6 source as the Agency Department may deem necessary or desirable
7 to protect the public health, welfare and safety.

8 (Source: P.A. 86-1341.)

9 (420 ILCS 40/17) (from Ch. 111 1/2, par. 210-17)

10 (Section scheduled to be repealed on January 1, 2011)

11 Sec. 17. The Agency Department shall develop comprehensive
12 policies and programs for the evaluation and determination of
13 exposures associated with the use of radiation, and for their
14 control.

15 (Source: P.A. 86-1341.)

16 (420 ILCS 40/18) (from Ch. 111 1/2, par. 210-18)

17 (Section scheduled to be repealed on January 1, 2011)

18 Sec. 18. The Agency Department shall hold public hearings,
19 receive pertinent and relevant proof from any party in interest
20 who appears before the Agency Department, make findings of
21 facts and determinations, all with respect to the violations of
22 the provisions of this Act or codes, rules, regulations or
23 orders issued pursuant thereto. The Department of Nuclear
24 Safety shall, within one year of September 7, 1990 (the
25 effective date of Public Act 86-1341) ~~this Act~~, adopt rules
26 which prescribe the standards used by the Department in
27 determining when amendments to pleadings shall be allowed to
28 join or dismiss any party, or to delete, modify or add
29 allegations or defenses before the completion of an
30 administrative hearing. The Agency Department shall allow only
31 attorneys licensed and registered to practice in this State to
32 appear before it in administrative hearings, except that a
33 natural person may appear on his or her own behalf.

34 (Source: P.A. 86-1341.)

1 (420 ILCS 40/19) (from Ch. 111 1/2, par. 210-19)

2 (Section scheduled to be repealed on January 1, 2011)

3 Sec. 19. The Agency ~~Department~~ shall institute or cause to
4 be instituted in the circuit court proceedings to compel
5 compliance with the provisions of this Act or codes, rules,
6 regulations or orders issued pursuant thereto.

7 (Source: P.A. 86-1341.)

8 (420 ILCS 40/20) (from Ch. 111 1/2, par. 210-20)

9 (Section scheduled to be repealed on January 1, 2011)

10 Sec. 20. The Agency ~~Department~~ shall advise, consult, and
11 cooperate with other agencies of the State, the Federal
12 Government, other States and interstate agencies, and with
13 affected groups, political subdivisions, and industries.

14 (Source: P.A. 86-1341.)

15 (420 ILCS 40/21) (from Ch. 111 1/2, par. 210-21)

16 (Section scheduled to be repealed on January 1, 2011)

17 Sec. 21. The Agency ~~Department~~ shall accept and administer
18 according to law loans, grants, or other funds or gifts from
19 the Federal Government and from other sources, public or
20 private, for carrying out its functions under this Act.

21 (Source: P.A. 86-1341.)

22 (420 ILCS 40/22) (from Ch. 111 1/2, par. 210-22)

23 (Section scheduled to be repealed on January 1, 2011)

24 Sec. 22. The Agency ~~Department~~ shall encourage,
25 participate in, or conduct studies, investigations, training,
26 research, and demonstrations relating to the control or
27 measurement of radiation, the effects on health of exposure to
28 radiation, and related problems as it may deem necessary or
29 advisable in the discharge of its duties under this Act.

30 (Source: P.A. 86-1341.)

31 (420 ILCS 40/23) (from Ch. 111 1/2, par. 210-23)

1 (Section scheduled to be repealed on January 1, 2011)

2 Sec. 23. The Agency ~~Department~~ shall collect, maintain and
3 disseminate health education information relating to
4 radiation.

5 (Source: P.A. 86-1341.)

6 (420 ILCS 40/24) (from Ch. 111 1/2, par. 210-24)

7 (Section scheduled to be repealed on January 1, 2011)

8 Sec. 24. The Agency ~~Department~~ shall with respect to
9 radiation installations and radiation sources, responsibility
10 for which has been transferred by the Federal Government to
11 this State, review and approve plans and specifications for
12 radiation installations and radiation sources admitted
13 pursuant to codes, rules or regulations promulgated under this
14 Act.

15 (Source: P.A. 86-1341.)

16 (420 ILCS 40/24.5)

17 (Section scheduled to be repealed on January 1, 2011)

18 Sec. 24.5. Mammography installation; federal and State
19 programs.

20 (a) The Agency ~~Department~~ may, with approval by the
21 Secretary of the U.S. Department of Health and Human Services,
22 exercise the powers, duties, and responsibilities of an
23 accreditation body under the federal Mammography Quality
24 Standards Act of 1992. The Agency ~~Department~~ may promulgate
25 rules and incorporate into the rules standards that may be
26 necessary for the Agency ~~Department~~ to qualify as an
27 accreditation body. The Agency ~~Department~~ may, by rule,
28 establish reasonable fees to be paid to the Agency ~~Department~~
29 by mammography installations for accreditation by the Agency
30 ~~Department~~.

31 (b) The Agency ~~Department~~ may implement a State program to
32 carry out the certification program requirements provided for
33 in the Mammography Quality Standards Act of 1992. The Agency
34 ~~Department~~ may promulgate rules and enter into agreements as

1 necessary to implement the provisions of this Section. The
2 Agency Department may, by rule, establish reasonable fees to be
3 paid to the Agency Department by mammography installations for
4 certification by the Agency Department.

5 (Source: P.A. 91-339, eff. 7-29-99.)

6 (420 ILCS 40/24.7)

7 (Section scheduled to be repealed on January 1, 2011)

8 Sec. 24.7. Registration requirement; fees. Beginning
9 January 1, 2000, the Department of Nuclear Safety or its
10 successor agency, the Illinois Emergency Management Agency, is
11 authorized to require every operator of a radiation
12 installation to register the installation with the Department
13 or the Agency before the installation is placed in operation.
14 The Agency Department is authorized to exempt certain radiation
15 sources from registration by rule when the Agency Department
16 makes a determination that the exemption of such sources will
17 not constitute a significant risk to health and safety of the
18 public. Whenever there is a change in a radiation installation
19 that affects the registration information provided to the
20 Department or the Agency, including discontinuation of use or
21 disposition of radiation sources, the operator of such
22 installation shall, within 30 days, give written notice to the
23 Department or the Agency detailing the change.

24 Beginning January 1, 2000, every radiation installation
25 operator using radiation machines shall register annually in a
26 manner and form prescribed by the Department of Nuclear Safety
27 or its successor agency, the Illinois Emergency Management
28 Agency, and shall pay the Department or the Agency an annual
29 registration fee for each radiation machine. The Agency
30 Department shall by rule establish the annual registration fee
31 to register and inspect radiation installations based on the
32 type of facility and equipment possessed by the registrant. The
33 Agency Department shall bill the operator for the registration
34 fee as soon as practical after January 1. The registration fee
35 shall be due and payable within 60 days of the date of billing.

1 If after 60 days the registration fee is not paid, the Agency
2 ~~Department~~ may issue an order directing the operator of the
3 installation to cease use of all radiation machines or take
4 other appropriate enforcement action as provided in Section 36
5 of this Act. Fees collected under this Section are not
6 refundable.

7 Registration of any radiation installation shall not imply
8 approval of manufacture, storage, use, handling, operation, or
9 disposal of radiation sources, but shall serve merely as notice
10 to the Agency ~~Department of Nuclear Safety~~ of the location and
11 character of radiation sources in this State.

12 (Source: P.A. 91-340, eff. 7-29-99.)

13 (420 ILCS 40/25) (from Ch. 111 1/2, par. 210-25)

14 (Section scheduled to be repealed on January 1, 2011)

15 Sec. 25. Radiation inspection and testing; fees.

16 (a) The Agency ~~Department~~ shall inspect and test radiation
17 installations and radiation sources, their immediate
18 surroundings and records concerning their operation to
19 determine whether or not any radiation resulting therefrom is
20 or may be detrimental to health. For the purposes of this
21 Section, "radiation installation" means any location or
22 facility where radiation machines are used. The inspection and
23 testing frequency of a radiation installation shall be based on
24 the installation's class designation in accordance with
25 subsection (f).

26 Inspections of mammography installations shall also
27 include evaluation of the quality of mammography phantom images
28 produced by mammography equipment. The Agency ~~Department~~ shall
29 promulgate rules establishing procedures and acceptance
30 standards for evaluating the quality of mammography phantom
31 images.

32 Beginning on the effective date of this amendatory Act of
33 1997 and until June 30, 2000, the fee for inspection and
34 testing shall be paid yearly at an annualized rate based on the
35 classifications and frequencies set forth in subsection (f).

1 The annualized fee for inspection and testing shall be based on
2 the rate of \$55 per radiation machine for machines located in
3 dental offices and clinics and used solely for dental
4 diagnosis, located in veterinary offices and used solely for
5 diagnosis, or located in offices and clinics of persons
6 licensed under the Podiatric Medical Practice Act of 1987 and
7 shall be based on the rate of \$80 per radiation machine for all
8 other radiation machines. The Department of Nuclear Safety may
9 adopt rules detailing the annualized rate structure. For the
10 year beginning January 1, 2000, the annual fee for inspection
11 and testing of Class D radiation installations shall be \$25 per
12 radiation machine. The Department is authorized to bill the
13 fees listed in this paragraph as part of the annual fee
14 specified in Section 24.7 of this Act.

15 Beginning July 1, 2000, the Department of Nuclear Safety or
16 its successor agency, the Illinois Emergency Management
17 Agency, shall establish the fees under Section 24.7 of this Act
18 by rule, provided that no increase of the fees shall take
19 effect before January 1, 2001.

20 (b) (Blank).

21 (c) (Blank).

22 (d) (Blank).

23 (e) (Blank).

24 (f) For purposes of this Section, radiation installations
25 shall be divided into 4 classes:

26 Class A - Class A shall include dental offices and
27 veterinary offices with radiation machines used solely for
28 diagnosis and all installations using commercially
29 manufactured cabinet radiographic/fluoroscopic radiation
30 machines. Operators of Class A installations shall have
31 their radiation machines inspected and tested every 5 years
32 by the Agency Department.

33 Class B - Class B shall include offices or clinics of
34 persons licensed under the Medical Practice Act of 1987 or
35 the Podiatric Medical Practice Act of 1987 with radiation
36 machines used solely for diagnosis and all installations

1 using spectroscopy radiation machines, noncommercially
2 manufactured cabinet radiographic/fluoroscopic radiation
3 machines, portable radiographic/fluoroscopic units,
4 non-cabinet baggage/package fluoroscopic radiation
5 machines and electronic beam welders. Operators of Class B
6 installations shall have their radiation machines
7 inspected and tested every 2 years by the Agency
8 ~~Department~~.

9 Class C - Class C shall include installations using
10 diffraction radiation machines, open radiography radiation
11 machines, closed radiographic/fluoroscopic radiation
12 machines and radiation machines used as gauges. Test
13 booths, bays, or rooms used by manufacturing, assembly or
14 repair facilities for testing radiation machines shall be
15 categorized as Class C radiation installations. Operators
16 of Class C installations shall have their radiation
17 machines inspected and tested annually by the Agency
18 ~~Department~~.

19 Class D - Class D shall include all hospitals and all
20 other facilities using mammography, computed tomography
21 (CT), or therapeutic radiation machines. Each operator of a
22 Class D installation shall maintain a comprehensive
23 radiation protection program. The individual or
24 individuals responsible for implementing this program
25 shall register with the Department of Nuclear Safety or its
26 successor agency, the Illinois Emergency Management
27 Agency, in accordance with Section 25.1. As part of this
28 program, the registered individual or individuals shall
29 conduct an annual performance evaluation of all radiation
30 machines and oversee the equipment-related quality
31 assurance practices within the installation. The
32 registered individual or individuals shall determine and
33 document whether the installation's radiation machines are
34 being maintained and operated in accordance with standards
35 promulgated by the Agency ~~Department~~. Class D installation
36 shall be inspected annually by the Agency ~~Department~~.

1 (f-1) Radiation installations for which more than one class
2 is applicable shall be assigned the classification requiring
3 the most frequent inspection and testing.

4 (f-2) Radiation installations not classified as Class A, B,
5 C, or D shall be inspected according to frequencies established
6 by the Agency ~~Department~~ based upon the associated radiation
7 hazards, as determined by the Agency ~~Department~~.

8 (g) The Agency ~~Department~~ is authorized to maintain a
9 facility for the purpose of calibrating radiation detection and
10 measurement instruments in accordance with national standards.
11 The Agency ~~Department~~ may make calibration services available
12 to public or private entities within or outside of Illinois and
13 may assess a reasonable fee for such services.

14 (Source: P.A. 91-188, eff. 7-20-99; 91-340, eff. 7-29-99;
15 92-16, eff. 6-28-01.)

16 (420 ILCS 40/25.1)

17 (Section scheduled to be repealed on January 1, 2011)

18 Sec. 25.1. Beginning January 1, 2000, each individual
19 responsible for implementing a comprehensive radiation
20 protection program for Class D installations, as described in
21 Section 25(f) of this Act, shall be required to register with
22 the Department of Nuclear Safety or its successor agency, the
23 Illinois Emergency Management Agency. Application for
24 registration shall be made on a form prescribed by the Agency
25 ~~Department~~ and shall be accompanied by the required application
26 fee. The Agency ~~Department~~ shall approve the application and
27 register an individual if the individual satisfies criteria
28 established by rule of the Agency ~~Department~~. The Agency
29 ~~Department~~ shall assess registered individuals an annual
30 registration fee. The Agency ~~Department~~ shall establish by rule
31 application and registration fees. The application and
32 registration fees shall not be refundable.

33 (Source: P.A. 91-340, eff. 7-29-99.)

34 (420 ILCS 40/25.2)

1 (Section scheduled to be repealed on January 1, 2011)

2 Sec. 25.2. Installation and servicing of radiation
3 machines.

4 (a) Beginning January 1, 2002, a service provider who
5 installs or services radiation machines in the State of
6 Illinois must register with the Department of Nuclear Safety or
7 its successor agency, the Illinois Emergency Management
8 Agency. An operator of a radiation installation that is
9 registered under Section 24.7 is not required to register under
10 this Section to service the radiation machines that it owns or
11 leases.

12 (b) A service provider who installs a radiation machine in
13 the State of Illinois must report the installation to the
14 Agency Department.

15 (c) A service provider who services a radiation machine in
16 a radiation installation in the State of Illinois that is not
17 registered under Section 24.7 must report the service to the
18 Agency Department.

19 (d) The Agency Department is authorized to adopt rules to
20 implement this Section, including rules assessing application
21 and annual registration fees. Application and registration
22 fees are not refundable.

23 (Source: P.A. 92-273, eff. 8-7-01.)

24 (420 ILCS 40/26) (from Ch. 111 1/2, par. 210-26)

25 (Section scheduled to be repealed on January 1, 2011)

26 Sec. 26. The Agency Department shall cause an investigation
27 to be made upon receipt of information concerning a violation
28 of the provisions of this Act or of any codes, rules, or
29 regulations promulgated thereunder.

30 (Source: P.A. 86-1341.)

31 (420 ILCS 40/27) (from Ch. 111 1/2, par. 210-27)

32 (Section scheduled to be repealed on January 1, 2011)

33 Sec. 27. The Agency Department is authorized to enter at
34 all reasonable times upon any private or public property for

1 the purpose of determining whether or not there is compliance
2 with or violation of the provisions of this Act and rules and
3 regulations issued thereunder. The Agency ~~Department~~ may
4 inspect and investigate premises, operations, and personnel
5 and have access to and copy records for the purpose of
6 evaluating past, current, and potential hazards to the public
7 health, workers, or the environment resulting from radiation.
8 Entry into areas under the jurisdiction of the Federal
9 Government shall be effected only with the concurrence of the
10 Federal Government or its duly designated representative.

11 (Source: P.A. 91-340, eff. 7-29-99.)

12 (420 ILCS 40/28) (from Ch. 111 1/2, par. 210-28)

13 (Section scheduled to be repealed on January 1, 2011)

14 Sec. 28. (a) The Agency ~~Department~~ shall require each
15 person who possesses or uses a source of ionizing radiation to
16 maintain records relating to its receipt, storage, transfer or
17 disposal and such other records as the Agency ~~Department~~ may
18 require, subject to such exemptions as may be provided by rules
19 or regulations.

20 (b) Unless they are transferred directly to the patient or
21 the patient's physician, mammography images or films shall be
22 retained by the provider of the mammography service for a
23 minimum of 60 months. Mammography images or films transferred
24 to a patient's physician shall be retained by the physician for
25 a minimum of 60 months. These retention periods are a minimum
26 and shall not reduce any other medical record retention
27 requirements established by statute or regulation.

28 (Source: P.A. 86-1341; 87-604.)

29 (420 ILCS 40/29) (from Ch. 111 1/2, par. 210-29)

30 (Section scheduled to be repealed on January 1, 2011)

31 Sec. 29. The Agency ~~Department~~ shall require each person
32 who possesses or uses a source of ionizing radiation to
33 maintain appropriate records showing the radiation exposure of
34 all individuals for whom personnel monitoring is required by

1 rules and regulations of the Agency ~~Department~~. Except as
2 otherwise provided by law, copies of these records and those
3 required to be kept by Section 25 shall be submitted to the
4 Agency ~~Department~~ on request. Any person possessing or using a
5 source of ionizing radiation shall furnish to each employee for
6 whom personnel monitoring is required a copy of such employee's
7 personal exposure record at any time such employee has been
8 exposed to radiation in excess of limits prescribed by the
9 Agency ~~Department~~, upon termination of employment, and
10 annually at his request.

11 (Source: P.A. 86-1341.)

12 (420 ILCS 40/30) (from Ch. 111 1/2, par. 210-30)

13 (Section scheduled to be repealed on January 1, 2011)

14 Sec. 30. The Agency ~~Department~~ shall issue such orders or
15 modifications thereof as may be necessary in connection with
16 proceedings under Section 10 and other provisions of this Act
17 and the regulations promulgated by the Agency ~~Department~~.

18 (Source: P.A. 86-1341.)

19 (420 ILCS 40/31) (from Ch. 111 1/2, par. 210-31)

20 (Section scheduled to be repealed on January 1, 2011)

21 Sec. 31. The provisions of the Illinois Administrative
22 Procedure Act are hereby expressly adopted and shall apply to
23 all administrative rules and procedures of the Agency
24 ~~Department~~ under this Act, except that in case of conflict
25 between the Illinois Administrative Procedure Act and this Act
26 the provisions of this Act shall control, and except that
27 Section 5-35 of the Illinois Administrative Procedure Act
28 relating to procedures for rule-making does not apply to the
29 adoption of any rule required by federal law in connection with
30 which the Agency ~~Department~~ is precluded by law from exercising
31 any discretion.

32 (Source: P.A. 88-45.)

33 (420 ILCS 40/32) (from Ch. 111 1/2, par. 210-32)

1 (Section scheduled to be repealed on January 1, 2011)

2 Sec. 32. Radiation emergency contingency plan. The Agency
3 ~~Department~~ shall develop for its use, or for the use of ~~by the~~
4 ~~Illinois Emergency Management Agency or~~ its successor, a
5 comprehensive contingency plan for the protection of public
6 health, welfare and safety during a radiation emergency.

7 (Source: P.A. 86-1341; 87-895.)

8 (420 ILCS 40/33) (from Ch. 111 1/2, par. 210-33)

9 (Section scheduled to be repealed on January 1, 2011)

10 Sec. 33. Agreements and training programs.

11 (1) The Agency ~~Department~~ is authorized to enter into an
12 agreement or agreements with the Federal Government, other
13 States, interstate agencies, or other State agencies whereby
14 this State will perform, on a co-operative basis with the
15 Federal Government, other States, interstate agencies, or
16 other State agencies, inspections or other functions relating
17 to control of sources of ionizing radiation or relating to the
18 State role provided for in the Federal Facility Compliance Act
19 of 1992.

20 (2) The Agency ~~Department~~ may institute training programs
21 for the purpose of qualifying personnel to carry out the
22 provisions of this Act, and may make said personnel available
23 for participation in any program or programs of the Federal
24 Government, other States or interstate agencies in furtherance
25 of the purposes of this Act.

26 (Source: P.A. 88-616, eff. 9-9-94.)

27 (420 ILCS 40/34) (from Ch. 111 1/2, par. 210-34)

28 (Section scheduled to be repealed on January 1, 2011)

29 Sec. 34. All intrastate and interstate carriers of
30 irradiated nuclear reactor fuel in the State of Illinois are
31 hereby required to notify the Agency ~~Department of Nuclear~~
32 ~~Safety~~ 24 hours prior to any transportation of irradiated
33 nuclear reactor fuel within this State of the proposed route,
34 the place and time of entry into the State, and the amount and

1 the source of the fuel. The Agency ~~Department~~ shall immediately
2 notify the State Police, which shall notify the sheriff of
3 those counties along the route of such shipment.

4 For the purpose of this subsection, a "carrier" is any
5 entity charged with transportation of such irradiated reactor
6 fuel from the nuclear steam-generating facility to a storage
7 facility.

8 For the purpose of this subsection, "irradiated reactor
9 fuel" is any nuclear fuel assembly containing fissile-bearing
10 material that has been irradiated in and removed from a nuclear
11 reactor facility.

12 (Source: P.A. 86-1341.)

13 (420 ILCS 40/35) (from Ch. 111 1/2, par. 210-35)

14 (Section scheduled to be repealed on January 1, 2011)

15 Sec. 35. Radiation Protection Fund.

16 (a) All moneys received by the Agency ~~Department~~ under this
17 Act shall be deposited in the State treasury and shall be set
18 apart in a special fund to be known as the "Radiation
19 Protection Fund". All monies within the Radiation Protection
20 Fund shall be invested by the State Treasurer in accordance
21 with established investment practices. Interest earned by such
22 investment shall be returned to the Radiation Protection Fund.
23 Monies deposited in this Fund shall be expended by the
24 Assistant Director pursuant to appropriation only to support
25 the activities of the Agency ~~Department~~ under this Act and as
26 provided in the Laser System Act of 1997 and the Radon Industry
27 Licensing Act.

28 (b) On August 15, 1997, all moneys remaining in the Federal
29 Facilities Compliance Fund shall be transferred to the
30 Radiation Protection Fund.

31 (Source: P.A. 90-209, eff. 7-25-97; 90-262, eff. 7-30-97;
32 90-391, eff. 8-15-97; 90-655, eff. 7-30-98.)

33 (420 ILCS 40/36) (from Ch. 111 1/2, par. 210-36)

34 (Section scheduled to be repealed on January 1, 2011)

1 Sec. 36. Order for violation abatement and public hearing.
2 Whenever the Agency Department believes upon examination of
3 records or inspection and examination of a radiation
4 installation or a radiation source as constructed, operated or
5 maintained that there has been a violation of any of the
6 provisions of this Act or any rules or regulations promulgated
7 under this Act, the Agency Department may:

8 (1) order the discontinuance of such violation;

9 (2) suspend or revoke a license or registration issued
10 by the Department of Nuclear Safety or its successor
11 agency, the Illinois Emergency Management Agency;

12 (3) impose a civil penalty, not to exceed \$10,000 for
13 such violation, provided each day the violation continues
14 shall constitute a separate offense;

15 (4) order the decontamination of any property or
16 structure which has been contaminated as a result of such
17 violation;

18 (5) restrict access to any property which has been
19 contaminated as a result of such violation; or

20 (6) impound, order the impounding of, or confiscate
21 radiation sources possessed by operators or other persons
22 engaging in such violation and order the owner of the
23 radiation sources to reimburse the Agency Department for
24 any costs incurred by the Department of Nuclear Safety or
25 the Agency in conjunction with the transfer, storage,
26 treatment or disposal of the radiation sources.

27 The Agency Department shall also have the authority to take
28 any of the actions specified in paragraphs (4), (5) or (6) of
29 this Section if a licensee seeks to terminate a license issued
30 by the Department of Nuclear Safety or its successor agency,
31 the Illinois Emergency Management Agency, pursuant to this Act
32 or to otherwise abandon a radiation installation.

33 Any such actions by the Agency Department shall be based on
34 standards and procedures established by rules of the Agency
35 Department. Under such rules, the Agency Department may provide
36 that all or a portion of the cost of such actions be assessed

1 to operators of radiation installations or other persons
2 responsible for the violation or contamination.

3 The civil penalties and costs assessed under this Section
4 shall be recoverable in an action brought in the name of the
5 people of the State of Illinois by the Attorney General.

6 In any order issued to an offending party under this
7 Section, the Agency Department shall include a summary of its
8 findings which give evidence of the violation. Any party
9 affected by an order of the Department of Nuclear Safety or its
10 successor agency, the Illinois Emergency Management Agency,
11 shall have the right to a hearing before the Agency Department;
12 however, a written request for such a hearing shall be served
13 on the Agency Department within 10 days of notice of such
14 order. In the absence of receipt of a request for hearing the
15 affected party shall be deemed to have waived his right to a
16 hearing.

17 No order of the Agency Department issued under this
18 Section, except an order issued pursuant to Section 38 herein,
19 shall take effect until the Agency Department shall find upon
20 conclusion of such hearing that a condition exists which
21 constitutes a violation of any provision of this Act or any
22 code, rule or regulation promulgated under this Act except in
23 the event that the right to public hearing is waived as
24 provided herein in which case the order shall take effect
25 immediately.

26 (Source: P.A. 91-340, eff. 7-29-99.)

27 (420 ILCS 40/37) (from Ch. 111 1/2, par. 210-37)

28 (Section scheduled to be repealed on January 1, 2011)

29 Sec. 37. Administrative Review Law. The provisions of the
30 Administrative Review Law, and the rules adopted pursuant
31 thereto, shall apply to and govern all proceedings for judicial
32 review of final administrative decisions of the Department of
33 Nuclear Safety or its successor agency, the Illinois Emergency
34 Management Agency, hereunder. The term "administrative
35 decision" is defined as in Section 3-101 of the Code of Civil

1 Procedure.

2 (Source: P.A. 86-1341.)

3 (420 ILCS 40/38) (from Ch. 111 1/2, par. 210-38)

4 (Section scheduled to be repealed on January 1, 2011)

5 Sec. 38. Authority of Agency ~~Department~~ in cases
6 constituting an immediate threat to health.

7 (a) Notwithstanding any other provision of this Act,
8 whenever the Agency ~~Department~~ finds that a condition exists
9 that constitutes an immediate threat to health, the Agency
10 ~~Department~~ is authorized to do all of the following:

11 (1) Enter onto public or private property and take
12 possession of sources of radiation that pose an immediate
13 threat to health.

14 (2) Enter an order for abatement of a violation of any
15 provisions of this Act or any code, rule, regulation, or
16 order promulgated under this Act that requires immediate
17 action to protect the public health or welfare, which order
18 shall recite the existence of the immediate threat and the
19 findings of the Agency ~~Department~~ pertaining to the threat.
20 The order shall direct a response that the Agency
21 ~~Department~~ determines appropriate under the circumstances,
22 including but not limited to all of the following:

23 (A) Discontinuance of the violation.

24 (B) Decontamination of any property or structure
25 that has been contaminated as a result of the
26 violation.

27 (C) Restriction of access to property that has been
28 contaminated as a result of the violation.

29 (D) Impounding of radiation sources possessed by a
30 person engaging in the violation.

31 Such order shall be effective immediately but shall
32 include notice of the time and place of a public hearing
33 before the Agency ~~Department~~ to be held within 30 days of
34 the date of such order to assure the justification of such
35 order. On the basis of such hearing the Agency ~~Department~~

1 shall continue such order in effect, revoke it or modify
2 it. Any party affected by an order of the Agency ~~Department~~
3 shall have the right to waive the public hearing
4 proceedings.

5 (3) Direct the Attorney General to obtain an injunction
6 against any person responsible for causing or allowing the
7 continuance of the immediate threat to health.

8 (b) In responding to an immediate threat to health, as
9 defined in subsection (a), the Agency ~~Department~~ is authorized
10 to request the assistance of other units of government,
11 including agencies of the federal government, and to assume
12 reasonable costs of other units of government as agreed by the
13 Agency ~~Department~~. The Agency ~~Department~~ is authorized to
14 assess the costs of its response and the response of its
15 predecessor agency, the Department of Nuclear Safety, against
16 the person or persons responsible for the creation or
17 continuation of the threat. The costs may include costs for
18 personnel, equipment, transportation, special services, and
19 treatment, storage, and disposal of sources of radiation,
20 including costs incurred by the Agency or the Department and
21 costs incurred by other units of government that assist the
22 Agency or the Department. If the Agency ~~Department~~ is unable to
23 determine who is responsible for the creation or continuation
24 of the threat, the costs shall be assessed against the owner of
25 the property and shall constitute a lien against the property
26 until paid. Any person assessed costs under this subsection
27 shall have the right to a hearing before the Agency ~~Department~~
28 provided a written request for a hearing is served on the
29 Agency ~~Department~~ within 10 days of notice of the assessment.
30 In the absence of receipt of a request for a hearing, the
31 affected party shall be deemed to have waived the right to a
32 hearing.

33 (Source: P.A. 89-143, eff. 7-14-95.)

34 (420 ILCS 40/39) (from Ch. 111 1/2, par. 210-39)

35 (Section scheduled to be repealed on January 1, 2011)

1 Sec. 39. Violations.

2 (a) Any person who shall violate any of the provisions of,
3 or who fails to perform any duty imposed by this Act, or who
4 violates any determination or order of the Department of
5 Nuclear Safety or its successor agency, the Illinois Emergency
6 Management Agency, promulgated pursuant to this Act, is guilty
7 of a Class A misdemeanor; provided each day during which a
8 violation continues shall constitute a separate offense; and in
9 addition thereto, such person may be enjoined from continuing
10 such violation as hereinafter provided.

11 (b) (1) A person who knowingly makes a false material
12 statement to a Department of Nuclear Safety or Agency
13 employee during the course of official Department or Agency
14 business or in an application for accreditation,
15 certification, registration, or licensure under this Act
16 is guilty of a Class A misdemeanor for a first offense and
17 is guilty of a Class 4 felony for a second or subsequent
18 offense.

19 (2) A person who knowingly alters a credential,
20 certificate, registration, or license issued by the
21 Department of Nuclear Safety or its successor agency, the
22 Illinois Emergency Management Agency, for the purpose of
23 evading a requirement of this Act is guilty of a Class A
24 misdemeanor for a first offense and is guilty of a Class 4
25 felony for a second or subsequent offense.

26 (c) The penalties provided herein shall be recoverable in
27 an action brought in the name of the People of the State of
28 Illinois by the Attorney General.

29 (Source: P.A. 90-275, eff. 7-30-97.)

30 (420 ILCS 40/40) (from Ch. 111 1/2, par. 210-40)

31 (Section scheduled to be repealed on January 1, 2011)

32 Sec. 40. Injunctive relief. It shall be the duty of the
33 Attorney General upon the request of the Agency ~~Department~~ to
34 bring an action for an injunction against any person violating
35 the provisions of this Act, or violating any order or

1 determination of the Department of Nuclear Safety or its
2 successor agency, the Illinois Emergency Management Agency.

3 (Source: P.A. 86-1341.)

4 (420 ILCS 40/43) (from Ch. 111 1/2, par. 210-43)

5 (Section scheduled to be repealed on January 1, 2011)

6 Sec. 43. Reinstatement of existing licenses; Force and
7 effect of existing rules.

8 All licenses, accreditations, registrations, and
9 exemptions in effect on the date of this Act becomes law and
10 issued pursuant to the Radiation Protection Act, are reinstated
11 for the balance of the term for which last issued. All rules in
12 effect on the date this Act becomes law and promulgated
13 pursuant to the Radiation Protection Act, shall remain in full
14 force and effect on the effective date of this Act without
15 being promulgated again by the Department of Nuclear Safety,
16 except to the extent any rule or regulation is inconsistent
17 with any provision of this Act.

18 (Source: P.A. 86-1341.)

19 (420 ILCS 40/44) (from Ch. 111 1/2, par. 210-44)

20 (Section scheduled to be repealed on January 1, 2011)

21 Sec. 44. Protection of powers. The powers, duties and
22 functions vested in the Agency ~~Department~~ under the provisions
23 of this Act shall not be construed to affect in any manner the
24 powers, duties, and functions vested in the Agency ~~Department~~
25 under any other provisions of law.

26 (Source: P.A. 86-1341.)

27 (420 ILCS 40/45)

28 (Section scheduled to be repealed on January 1, 2011)

29 Sec. 45. Subpoena power; confidentiality; witness fees;
30 enforcement; punishment.

31 (a) The Agency ~~Department~~, by its Assistant Director or a
32 person designated by the Assistant Director, may, at the
33 Assistant Director's instance or on the written request of

1 another party to an administrative proceeding or investigation
2 administered under this Act or under any other Act administered
3 by the Agency as the successor agency to the Department of
4 Nuclear Safety, subpoena witnesses to attend and give testimony
5 before the hearing officer designated to preside over the
6 proceeding or investigation and subpoena the production of
7 books, papers, or records that the Assistant Director or a
8 person designated by the Assistant Director deems relevant or
9 material to any such administrative proceeding or
10 investigation.

11 (b) Any patient records disclosed pursuant to a properly
12 issued subpoena shall remain confidential and exempt from
13 inspection and copying under the Freedom of Information Act and
14 protected from disclosure under the provisions of Part 21 of
15 Article VIII of the Code of Civil Procedure, with the exception
16 that such patient records shall be admissible in any
17 administrative proceeding before the Agency ~~Department~~ when
18 necessary to substantiate violations of this Act or any other
19 Act administered by the Agency as the successor agency to the
20 Department of Nuclear Safety and rules thereunder. Prior to
21 admission of such records into evidence or their being made a
22 part of any contested case file, all information indicating the
23 identity of the patient shall be removed and deleted.

24 (c) The fees of witnesses for attendance and travel shall
25 be the same as the fees for witnesses before the circuit court
26 of this State. Those fees shall be paid when the witness is
27 excused from further attendance. When a witness is subpoenaed
28 at the instance of the Agency ~~Department~~, those fees shall be
29 paid in the same manner as other administrative expenses of the
30 Agency ~~Department~~. When a witness is subpoenaed at the instance
31 of a party to a proceeding other than the Agency ~~Department~~,
32 the Agency ~~Department~~ may require that the cost of service of
33 the subpoena or subpoena duces tecum and the fee of the witness
34 be borne by the party at whose instance the witness is
35 summoned. In such a case, the Agency ~~Department~~, in its
36 discretion, may require a deposit to cover the cost of the

1 service and witness fees. A subpoena or subpoena duces tecum
2 issued under this Section may be served in the same manner as a
3 subpoena issued out of a circuit court or may be served by
4 United States registered or certified mail, addressed to the
5 person concerned at the person's last known address, and proof
6 of that mailing shall be sufficient for the purposes of this
7 Section.

8 (d) Any person who, without lawful authority, fails to
9 appear in response to a subpoena or to answer any question or
10 to produce any books, papers, records, or any other documents
11 relevant or material to such administrative proceeding or
12 investigation is guilty of a Class A misdemeanor. Each
13 violation shall constitute a separate and distinct offense. In
14 addition to initiating criminal proceedings, the Agency
15 ~~Department~~, through the Attorney General, may seek enforcement
16 of any such subpoena by any circuit court of this State.

17 (Source: P.A. 89-624, eff. 8-9-96.)

18 (420 ILCS 40/49)

19 (Section scheduled to be repealed on January 1, 2011)

20 Sec. 49. Remediation of Ottawa radiation sites. In order to
21 accomplish a cost-effective remediation that is protective of
22 the public health, the Agency ~~Department~~ shall have the
23 following powers regarding the sites designated as the Ottawa
24 radiation sites on the National Priorities List under the
25 federal Comprehensive Environmental Response, Compensation and
26 Liability Act of 1980, as amended:

27 (1) to cooperate with and receive the assistance of
28 other State agencies including, but not limited to, the
29 Illinois Attorney General, the Department of Natural
30 Resources, the Department of Transportation, and the
31 Environmental Protection Agency;

32 (2) to enter into contracts; and

33 (3) to accept by gift, donation, or bequest and to
34 purchase any interests in lands, buildings, grounds, and
35 rights-of-way in, around, or adjacent to the Ottawa

1 radiation sites and, upon completion of remediation, to
2 transfer property to the Department of Natural Resources.

3 (Source: P.A. 92-387, eff. 8-16-01.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

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6	420 ILCS 40/7	from Ch. 111 1/2, par. 210-7
7	420 ILCS 40/7a	from Ch. 111 1/2, par. 210-7a
8	420 ILCS 40/9	from Ch. 111 1/2, par. 210-9
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