

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10 (Section scheduled to be repealed on January 1, 2011)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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27  
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31  
32  
33  
34  
35

INDEX

Statutes amended in order of appearance

420 ILCS 40/4	from Ch. 111 1/2, par. 210-4
420 ILCS 40/5	from Ch. 111 1/2, par. 210-5
420 ILCS 40/6	from Ch. 111 1/2, par. 210-6
420 ILCS 40/7	from Ch. 111 1/2, par. 210-7
420 ILCS 40/7a	from Ch. 111 1/2, par. 210-7a
420 ILCS 40/9	from Ch. 111 1/2, par. 210-9
420 ILCS 40/10	from Ch. 111 1/2, par. 210-10
420 ILCS 40/11	from Ch. 111 1/2, par. 210-11
420 ILCS 40/11.5	
420 ILCS 40/12	from Ch. 111 1/2, par. 210-12
420 ILCS 40/13	from Ch. 111 1/2, par. 210-13
420 ILCS 40/14	from Ch. 111 1/2, par. 210-14
420 ILCS 40/15	from Ch. 111 1/2, par. 210-15
420 ILCS 40/16	from Ch. 111 1/2, par. 210-16
420 ILCS 40/17	from Ch. 111 1/2, par. 210-17
420 ILCS 40/18	from Ch. 111 1/2, par. 210-18
420 ILCS 40/19	from Ch. 111 1/2, par. 210-19
420 ILCS 40/20	from Ch. 111 1/2, par. 210-20
420 ILCS 40/21	from Ch. 111 1/2, par. 210-21
420 ILCS 40/22	from Ch. 111 1/2, par. 210-22
420 ILCS 40/23	from Ch. 111 1/2, par. 210-23
420 ILCS 40/24	from Ch. 111 1/2, par. 210-24
420 ILCS 40/24.5	
420 ILCS 40/24.7	
420 ILCS 40/25	from Ch. 111 1/2, par. 210-25
420 ILCS 40/25.1	
420 ILCS 40/25.2	
420 ILCS 40/26	from Ch. 111 1/2, par. 210-26
420 ILCS 40/27	from Ch. 111 1/2, par. 210-27
420 ILCS 40/28	from Ch. 111 1/2, par. 210-28
420 ILCS 40/29	from Ch. 111 1/2, par. 210-29
420 ILCS 40/30	from Ch. 111 1/2, par. 210-30
420 ILCS 40/31	from Ch. 111 1/2, par. 210-31

- 1 420 ILCS 40/32 from Ch. 111 1/2, par. 210-32
- 2 420 ILCS 40/33 from Ch. 111 1/2, par. 210-33
- 3 420 ILCS 40/34 from Ch. 111 1/2, par. 210-34
- 4 420 ILCS 40/35 from Ch. 111 1/2, par. 210-35
- 5 420 ILCS 40/36 from Ch. 111 1/2, par. 210-36
- 6 420 ILCS 40/37 from Ch. 111 1/2, par. 210-37
- 7 420 ILCS 40/38 from Ch. 111 1/2, par. 210-38
- 8 420 ILCS 40/39 from Ch. 111 1/2, par. 210-39
- 9 420 ILCS 40/40 from Ch. 111 1/2, par. 210-40
- 10 420 ILCS 40/43 from Ch. 111 1/2, par. 210-43
- 11 420 ILCS 40/44 from Ch. 111 1/2, par. 210-44
- 12 420 ILCS 40/45
- 13 420 ILCS 40/49