IC 16-41-35
Chapter 35. Radiation: Radiation Control

IC 16-41-35-1
Public policy
Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if properly utilized but may impair the health of the public if improperly utilized, it is declared to be the public policy of Indiana to encourage the constructive medical uses of radiation and to control harmful effects of radiation.

IC 16-41-35-2
Repealed

IC 16-41-35-3
Repealed

IC 16-41-35-4
Repealed

IC 16-41-35-5
Electronic products
Sec. 5. As used in the chapter, "electronic products" means a manufactured product or device or a component part of a product or device that has an electronic circuit that can generate or emit a physical field of radiation.

IC 16-41-35-6
Repealed

IC 16-41-35-7
Repealed

IC 16-41-35-8
Radiation
Sec. 8. As used in this chapter, "radiation" means the following:

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(1) Ionizing radiation, including gamma rays, x-rays, alpha particles, beta particles, and other atomic or nuclear particles or rays.
(2) Electromagnetic radiation generated during the operation of electronic products.
(3) Sonic, ultrasonic, or infrasonic waves that are emitted from an electronic product as a result of the operation of an electronic circuit in that product that may produce a hazard to health.


IC 16-41-35-9
Radiation machine
Sec. 9. As used in this chapter, "radiation machine" is any equipment or device that produces ionizing radiation when the associated control devices are operated.

IC 16-41-35-10
Radioactive material
Sec. 10. As used in this chapter, "radioactive material" is any solid, liquid, or gas material that emits radiation spontaneously.

IC 16-41-35-11
Repealed

IC 16-41-35-12
Repealed

IC 16-41-35-13
Repealed

IC 16-41-35-14
Unnecessary radiation
Sec. 14. As used in this chapter, "unnecessary radiation" means the use of radiation in a manner that is injurious or dangerous to health, life, or property.

IC 16-41-35-15
Repealed

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IC 16-41-35-16
Repealed

IC 16-41-35-17
Repealed

IC 16-41-35-18
Repealed

IC 16-41-35-19
Repealed

IC 16-41-35-20
Repealed

IC 16-41-35-21
Repealed

IC 16-41-35-22
Repealed

IC 16-41-35-23
Repealed

IC 16-41-35-24
Repealed

IC 16-41-35-25
Inspections and investigations; assistance
Sec. 25. The state department or the state department's agent may

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enter at all reasonable times any private or public property for the purpose of inspecting and investigating conditions relating to radiation control. The state department may call upon any state officer, employee, board, department, school, university, or other state institution to receive any assistance considered necessary to carry out this chapter.


IC 16-41-35-26
Registration of person that produces radiation or uses or disposes of radiation machines

Sec. 26. A person may not produce radiation or produce, use, store, sell, or otherwise dispose of radiation machines or electronic products, unless the person registers in writing with the state department, giving the pertinent information the state department requires, in accordance with the procedures prescribed by the state department.


IC 16-41-35-27
Repealed


IC 16-41-35-28
Production, transportation, use, and disposition rules

Sec. 28. (a) The state department shall adopt rules under IC 4-22-2 concerning the production, transportation, use, storage, sale, or other disposition of radioactive material, radiation machines, or electronic products used for medical purposes on human beings to do the following:

(1) Prohibit and prevent unnecessary radiation.
(2) Carry out this chapter.

(b) Standards relative to unnecessary radiation included in the rules must be in general conformance with the recommendations of the National Council on Radiation Protection and Measurements (NCRP) and performance standards promulgated by appropriate federal agencies.


IC 16-41-35-29
Radiation machines; operation; licenses; inspection; penalty

Sec. 29. (a) The state department shall adopt rules under IC 4-22-2 to regulate who may operate a radiation machine and what level of training and experience the operator must have. Rules adopted by the state department must exempt from testing to establish initial qualifications an individual who:

(1) holds a valid certificate issued by; and

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(2) is currently registered with; 
the American Registry of Radiologic Technologists.

(b) The state department may by rule exempt an individual who:
(1) is currently licensed in another state as a radiologic technologist; or 
(2) performs the function of a radiologic technologist in another state that does not require the licensure of a radiologic technologist; 

from testing to establish initial qualifications.

(c) The state department shall issue a license to an individual meeting the requirements of the rules adopted under subsection (a) for a radiologic technologist upon the payment to the state department of a sixty dollar ($60) fee and the cost of testing to establish initial qualifications. The license is valid for twenty-four (24) months. The state department shall establish a fee for the renewal or duplication of a license issued under this section not to exceed sixty dollars ($60). In addition to the renewal fee, a penalty fee of sixty dollars ($60) shall be imposed by the state department for processing an application for license renewal received after the expiration of the previous license. The state department may waive the penalty fee for a showing of good cause.

(d) An individual who applies for a license issued under subsection (c) or who holds a license issued under subsection (c) shall provide the individual's Social Security number to the state department.

(e) The state department shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(f) Notwithstanding IC 4-1-10-3, the state department may allow access to the Social Security number of each person who is licensed under this section or has applied for a license under this section to:
(1) a testing service that provides the examination for licensure as a radiologic technologist to the state department; or 
(2) an individual state regulatory board of radiologic technology or an organization composed of state regulatory boards of radiologic technology for the purpose of coordinating licensure and disciplinary activities among the individual states.

(g) Every owner of a radiation machine, including an industrial radiation machine, shall have the machine inspected in accordance with procedures and standards established by the state department. The state department shall adopt rules under IC 4-22-2 establishing the procedures and standards applicable to inspections of radiation machines.


IC 16-41-35-30
Mammography rules

Sec. 30. The state department shall adopt rules under IC 4-22-2 concerning screening mammographies.
IC 16-41-35-31
Design and shielding plans and specifications
Sec. 31. The state department may require the submission of plans and specifications on the design and shielding for radiation sources for the purpose of determining possible radiation hazards.

IC 16-41-35-32
Radiation hazard and protection knowledge acquisition and dissemination
Sec. 32. The state department shall provide facilities and personnel for inspection, investigation, and dissemination of knowledge concerning radiation hazards and protection.

IC 16-41-35-33
Prohibition against nonconforming production, use, storage, sale, or disposal
Sec. 33. A person may not produce radiation or produce, use, store, sell, or otherwise dispose of radioactive materials, radiation machines, or electronic products, except in accordance with this chapter and rules adopted under this chapter or IC 10-19.

IC 16-41-35-34
Footwear fitting devices using radiation prohibited
Sec. 34. A person may not operate or maintain in Indiana a fitting device or machine that uses fluoroscopic, x-ray, or radiation principles for the purpose of fitting or selling footwear through commercial outlets.

IC 16-41-35-35
Authorized exposure to radiation
Sec. 35. This chapter does not limit intentional exposure of persons to radiation for the purpose of diagnosis, therapy, and medical or dental research as authorized by law.

IC 16-41-35-36
Cooperation of state health department with other entities; acceptance and administration of funds
Sec. 36. The state department shall advise, consult, and cooperate with other state agencies, the federal government, other states, interstate agencies, and affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. The state department may accept and administer grants or other funds or gifts

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from the federal government and from other sources, public or private, for carrying out functions under this chapter.


IC 16-41-35-37
Approval of local ordinances and resolutions

Sec. 37. An ordinance or a resolution concerning unnecessary radiation adopted by a municipality, county, or local board of health is not effective until a certified copy of the ordinance or a resolution has been submitted to the state department and approved by the state health commissioner. An ordinance or a resolution may not be approved unless the ordinance or resolution is consistent with this chapter or a rule adopted under this chapter.


IC 16-41-35-38
Application of laws

Sec. 38. The powers, duties, and functions of the state department under this chapter do not affect the powers, duties, and functions of the state department or the environmental rules board under any other law.


IC 16-41-35-39
Repealed


IC 16-41-35-40
Violations

Sec. 40. A person who:
(1) produces radiation; or
(2) produces, uses, stores, sells, or otherwise disposes of radiation machines or electronic products;
in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the state department, constitutes a separate offense.


IC 16-41-35-41
Enforcement

Sec. 41. The state department may bring an action at law or in equity to enforce this chapter, and the court in the action has jurisdiction to compel or enforce this chapter by injunction. The action shall be brought in the name of the state.


IC 16-41-35-42

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Civil penalties and orders of compliance

Sec. 42. (a) In addition to other penalties provided under this chapter, the state department shall adopt rules under IC 4-22-2 that establish a schedule of civil penalties that may be levied upon a person for the violation of this chapter.

(b) A penalty included in the schedule of civil penalties adopted under this chapter may not exceed one thousand dollars ($1,000) for each violation per day.

(c) The state department may issue an order of compliance, impose a civil penalty included in the schedule of civil penalties adopted under subsection (a), or both, against a person who:

   (1) fails to comply with this chapter or a rule adopted under this chapter; or
   (2) interferes with or obstructs the state department or the department's designated agent in the performance of duties under this chapter.

(d) An order of compliance may be issued under IC 4-21.5-3-6, IC 4-21.5-3-8, or IC 4-21.5-4. A civil penalty may be imposed only in a proceeding under IC 4-21.5-3-8.

(e) A proceeding commenced to impose a civil penalty may be consolidated with any other proceeding commenced to enforce this chapter or a rule adopted under this chapter.