



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2640

Introduced 1/20/2006, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

420 ILCS 56/10
420 ILCS 56/15
420 ILCS 56/20
420 ILCS 56/22
420 ILCS 56/25
420 ILCS 56/30
420 ILCS 56/35
420 ILCS 56/40
420 ILCS 56/45
420 ILCS 56/50
420 ILCS 56/60
420 ILCS 56/65

Amends the Laser System Act of 1997 to reflect the Illinois Emergency Management Agency's assumption of duties assigned to the Agency's predecessor, the Department of Nuclear Safety. Effective immediately.

LRB094 14565 RSP 49508 b

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 Laser System Act of 1997 is amended by
5 changing Sections 10, 15, 20, 22, 25, 30, 35, 40, 45, 50, 60,
6 and 65 as follows:

7 (420 ILCS 56/10)

8 Sec. 10. Legislative purpose. It is the purpose of this
9 Act to provide for a program of effective regulation of laser
10 systems for the protection of human health, welfare, and
11 safety. The Agency ~~Department~~ shall therefore regulate laser
12 systems under this Act to ensure the safe use and operation of
13 those systems.

14 (Source: P.A. 90-209, eff. 7-25-97.)

15 (420 ILCS 56/15)

16 Sec. 15. Definitions. For the purposes of this Act, unless
17 the context requires otherwise:

18 (1) "Agency" means the Illinois Emergency Management
19 Agency. ~~"Department" means the Illinois Department of~~
20 ~~Nuclear Safety.~~

21 (2) "Director" means the Director of the Illinois
22 Emergency Management Agency ~~Nuclear Safety.~~

23 (3) "FDA" means the Food and Drug Administration of the
24 United States Department of Health and Human Services.

25 (4) "Laser installation" means a location or facility
26 where laser systems are produced, stored, disposed of, or
27 used for any purpose.

28 (5) "Laser machine" means a device that is capable of
29 producing laser radiation when associated controlled
30 devices are operated.

31 (6) "Laser radiation" means an electromagnetic

1 radiation emitted from a laser system and includes all
2 reflected radiation, any secondary radiation, or other
3 forms of energy resulting from the primary laser beam.

4 (7) "Laser system" means a device, machine, equipment,
5 or other apparatus that applies a source of energy to a
6 gas, liquid, crystal, or other solid substances or
7 combination thereof in a manner that electromagnetic
8 radiations of a relatively uniform wave length are
9 amplified and emitted in a cohesive beam capable of
10 transmitting the energy developed in a manner that may be
11 harmful to living tissues, including but not limited to
12 electromagnetic waves in the range of visible, infrared, or
13 ultraviolet light. Such systems in schools, colleges,
14 occupational schools, and State colleges and other State
15 institutions are also included in the definition of "laser
16 systems".

17 (8) "Operator" is an individual, group of individuals,
18 partnership, firm, corporation, association, or other
19 entity conducting the business or activities carried on
20 within a laser installation.

21 (Source: P.A. 90-209, eff. 7-25-97; 91-188, eff. 7-20-99.)

22 (420 ILCS 56/20)

23 Sec. 20. Registration requirements. An operator of a laser
24 installation, unless otherwise exempted, shall register the
25 installation with the Agency ~~Department~~ before the
26 installation is placed in operation. The registration shall be
27 filed annually on a form prescribed by the Agency ~~Department~~.
28 If any change occurs in a laser installation, the change or
29 changes shall be registered with the Agency ~~Department~~ within
30 30 days. If registering a change in each source of laser
31 radiation or the type or strength of each source of radiation
32 is impractical, the Agency ~~Department~~, upon request of the
33 operator, may approve blanket registration of the
34 installation. Laser installations registered with the
35 Department of Nuclear Safety on July 25, 1997 (the effective

1 date of Public Act 90-209) ~~this Act~~ shall retain their
2 registration.

3 Registration of a laser installation shall not imply
4 approval of manufacture, storage, use, handling, operation, or
5 disposal of laser systems or laser radiation, but shall serve
6 merely as notice to the Agency Department of the location and
7 character of radiation sources in this State.

8 (Source: P.A. 90-209, eff. 7-25-97.)

9 (420 ILCS 56/22)

10 Sec. 22. State regulation of federal entities. The Agency
11 ~~Department~~ is authorized to regulate laser installations
12 operated by federal entities (or their contractors) if the
13 federal entities agree to be regulated by the State or the
14 regulation is otherwise allowed under federal law. The Agency
15 ~~Department~~ may, by rule, establish fees to support the
16 regulation.

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

18 (420 ILCS 56/25)

19 Sec. 25. Exemptions. The registration requirements of this
20 Act shall not apply to the following:

21 (1) a laser system that is not considered to be an
22 acute hazard to the skin and eyes from direct radiation as
23 determined by the FDA classification scheme established in
24 21 C.F.R. Section 1040.10.

25 (2) a laser system being transported on railroad cars,
26 motor vehicles, aircraft, or vessels in conformity with
27 rules adopted by an agency having jurisdiction over safety
28 during transportation, or laser systems that have been
29 installed on aircraft, munitions, or other equipment that
30 is subject to the regulations of, and approved by an
31 appropriate agency of, the federal government.

32 (3) a laser system where the hazard to public health,
33 in the opinion of the Agency Department, is absent or
34 negligible.

1 (Source: P.A. 90-209, eff. 7-25-97.)

2 (420 ILCS 56/30)

3 Sec. 30. Registration fee. The Agency ~~Department~~ may
4 establish by rule a registration fee for operators of laser
5 machines required to register under this Act. The Director may
6 by rule exempt public institutions from the registration fee
7 requirement. Registration fees assessed shall be due and
8 payable within 60 days after the date of billing. If, after 60
9 days, the registration fee is not paid, the Agency ~~Department~~
10 may issue an order directing the operator of the installation
11 to cease use of the laser machines for which the fee is
12 outstanding or take other appropriate enforcement action as
13 provided in Section 36 of the Radiation Protection Act of 1990.
14 An order issued by the Agency ~~Department~~ shall afford the
15 operator a right to a hearing before the Agency ~~Department~~. A
16 written request for a hearing must be served on the Agency
17 ~~Department~~ within 10 days of notice of the order. If the
18 operator fails to file a timely request for a hearing with the
19 Agency ~~Department~~, the operator shall be deemed to have waived
20 his or her right to a hearing. All moneys received by the
21 Agency ~~Department~~ under this Act shall be deposited into the
22 Radiation Protection Fund and are not refundable. Pursuant to
23 appropriation, moneys deposited into the Fund may be used by
24 the Agency ~~Department~~ to administer and enforce this Act.

25 (Source: P.A. 90-209, eff. 7-25-97.)

26 (420 ILCS 56/35)

27 Sec. 35. Agency ~~Department~~ rules. The Agency ~~Department~~ is
28 authorized to adopt rules for the administration and
29 enforcement of this Act and to enter upon, inspect, and
30 investigate the premises and operations of all laser systems of
31 this State, whether or not the systems are required to be
32 registered by this Act. In adopting rules authorized by this
33 Section and in exempting certain laser systems from the
34 registration requirements of Section 20, the Agency ~~Department~~

1 may seek advice and consultation from engineers, physicists,
2 physicians, or other persons with special knowledge of laser
3 systems and of the medical and biological effects of laser
4 systems.

5 (Source: P.A. 90-209, eff. 7-25-97.)

6 (420 ILCS 56/40)

7 Sec. 40. Reports of accidental injuries. The operator of a
8 laser system shall promptly report to the Agency ~~Department~~ an
9 accidental injury to an individual in the course of use,
10 handling, operation, manufacture, or discharge of a laser
11 system.

12 (Source: P.A. 90-209, eff. 7-25-97.)

13 (420 ILCS 56/45)

14 Sec. 45. Agency ~~Department~~ authority in case of immediate
15 threat to health. Notwithstanding any other provision of this
16 Act, whenever the Agency ~~Department~~ finds that a condition
17 exists that constitutes an immediate threat to the public
18 health or safety, the Agency ~~Department~~ is authorized to do all
19 of the following:

20 (a) Enter onto public or private property and take
21 possession of or require the immediate cessation of use of
22 laser systems that pose an immediate threat to health or
23 safety.

24 (b) Enter an order for abatement of a violation of a
25 provision of this Act or a rule adopted or an order issued
26 under this Act that requires immediate action to protect
27 the public health or safety. The order shall recite the
28 existence of the immediate threat and the findings of the
29 Agency ~~Department~~ pertaining to the threat. The order shall
30 direct a response that the Agency ~~Department~~ determines
31 appropriate under the circumstances, including but not
32 limited to all of the following:

33 (1) Discontinuance of the violation.

34 (2) Rendering the laser system inoperable.

1 (3) Impounding of a laser system possessed by a
2 person engaging in the violation.

3 Such order shall be effective immediately but shall
4 include notice of the time and place of a public hearing
5 before the Agency ~~Department~~ to be held within 30 days of
6 the date of the order to assure the justification of the
7 order. On the basis of the public hearing, the Agency
8 ~~Department~~ shall continue its order in effect, revoke it,
9 or modify it. Any party affected by an order of the Agency
10 ~~Department~~ shall have the right to waive the public hearing
11 proceedings.

12 (c) Direct the Attorney General to obtain an injunction
13 against a person responsible for causing or allowing the
14 continuance of the immediate threat to health or safety.

15 (Source: P.A. 90-209, eff. 7-25-97.)

16 (420 ILCS 56/50)

17 Sec. 50. Public nuisance; injunctive relief. The
18 conducting of any business or the carrying on of activities
19 within a laser installation without registering a laser
20 installation or without complying with the provisions of this
21 Act relating to the laser installation is declared to be
22 inimical to the public welfare and public safety and to
23 constitute a public nuisance. It is the duty of the Attorney
24 General, upon the request of the Agency ~~Department~~, to bring an
25 action in the name of the People of the State of Illinois to
26 enjoin an operator from unlawfully engaging in the business or
27 activity conducted within the laser installation until the
28 operator of the installation complies with the provisions of
29 this Act. This injunctive remedy shall be in addition to, and
30 not in lieu of, any criminal penalty provided in this Act.

31 (Source: P.A. 90-209, eff. 7-25-97.)

32 (420 ILCS 56/60)

33 Sec. 60. Illinois Administrative Procedure Act. The
34 provisions of the Illinois Administrative Procedure Act are

1 hereby expressly adopted and shall apply to all administrative
2 rules and procedures of the Agency ~~Department of Nuclear Safety~~
3 under this Act, except that Section 5 of the Illinois
4 Administrative Procedure Act relating to procedures for
5 rulemaking does not apply to the adoption of any rule required
6 by federal law in connection with which the Agency ~~Department~~
7 is precluded from exercising any discretion.

8 (Source: P.A. 90-209, eff. 7-25-97.)

9 (420 ILCS 56/65)

10 Sec. 65. Administrative Review Law. All final
11 administrative decisions of the Department of Nuclear Safety or
12 its successor agency, the Illinois Emergency Management
13 Agency, under this Act shall be subject to judicial review
14 under the provisions of the Administrative Review Law and its
15 rules. The term "administrative decision" is defined as in
16 Section 3-101 of the Code of Civil Procedure.

17 (Source: P.A. 90-209, eff. 7-25-97.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.