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Indicates New Matter

AMENDED

April 3, 2018

**H. 4412**

Introduced by Rep. Henderson

S. Printed 4/3/18--H.

Read the first time January 9, 2018.

**A** **BILL**

TO AMEND SECTION 13‑7‑45, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE REGULATION OF TANNING ESTABLISHMENTS, SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO INSPECT SOURCES OF NONIONIZING RADIATION AND TO RETAIN FEES TO ADMINISTER THE PROGRAM.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 13‑7‑45 of the 1976 Code is amended to read:

“Section 13‑7‑45. (A)(1) The South Carolina Department of Health and Environmental Control shall promulgate regulations and establish a schedule for the collection of annual fees for the licensing, registration, and certification of users of the sources of ionizing radiation. The fees collected must be sufficient, in the judgment of the department, to protect the public health and safety and the environment and to recover the costs incurred by the department in regulating the use of ionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

(2) The department shall promulgate regulations and establish a schedule for the collection of an annual fee for the registration of a source of nonionizing radiation which is used in a commercial establishment for the tanning of human skin. The registration fee must be sufficient in the judgment of the department to protect the public health and safety and the environment and to recover the costs incurred by the department in registering the source of nonionizing radiation and in performing emergency corrective measures intended to protect the public health and safety or the environment pursuant to the provisions of law.

(3) The department may in its discretion inspect a source of nonionizing radiation which is used in a commercial establishment for the tanning of human skin to protect public health and safety and shall ~~have no duty to~~ inspect a source of nonionizing radiation ~~unless~~ which is used in a commercial establishment for the tanning of human skin if it has received credible information indicating a violation of applicable statutes or regulations or the existence of a public health emergency. The department may retain ~~up to thirty thousand dollars from the~~ a sufficient amount of the fees collected to be used for the administration of this program. No other source of funds may be used for the administration of this program.

(B) In determining the sufficiency of the fees to be charged and collected, the department shall consider an arrangement existing between South Carolina and a registrant, a licensee, a certificant, another state, or a federal agency under which costs incurred by the department in regulating the use of ionizing and nonionizing radiation and in performing emergency corrective measures intended to protect the public health and safety and the environment are recoverable by this State.

(C) A registrant, licensee, or certificant who fails to pay the fees required by regulation of the department within thirty days after payment is due also shall pay a penalty of fifty dollars. If failure to pay the required fees continues for more than sixty days after payment is due, the registrant, licensee, or certificant must be notified by the department by certified mail to be sent to his last known address that his registration, license, or certificate is revoked and that activities permitted under the authority of the registration, license, or certificate must end immediately. The registration, license, or certificate may be reinstated by the department upon payment of the required fees, the penalty of fifty dollars, and an additional penalty of one hundred dollars if the registrant, licensee, or certificant is otherwise in good standing, in the judgment of the department, and presents to the department a satisfactory explanation for his failure to pay the required fees.”

SECTION 2. This act takes effect upon approval by the Governor.

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