

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 452

Introduced by Assembly Member Brown

February 19, 2013

An act to amend ~~Section 1505 of the Health and Safety Code, relating to community care facilities. Sections 114975, 114985, 115000.1, 115060, 115061, and 115080 of,~~ and to add Section 114986 to, the Health and Safety Code, relating to radioactive materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 452, as amended, Brown. ~~Community care facilities: exceptions. Radioactive materials: federal regulation.~~

(1) The Radiation Control Law requires the State Department of Public Health to regulate the use and control of radiologic materials. A violation of the Radiation Control Law, or a regulation adopted pursuant to that law, is a misdemeanor. The federal Atomic Energy Act of 1954, as amended, authorizes the Nuclear Regulatory Commission to enter into agreements with the governor of a state providing for discontinuance of certain regulatory authority of the commission with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

This bill would provide that with certain exceptions the regulations, adopted by the Nuclear Regulatory Commission in effect on January 1, 2014, are deemed to be the regulations of this state and adopted pursuant to the Radiation Control Law, if the regulations, among other things, are required by federal law or regulation to be adopted by an agreement state in an essentially identical manner. The bill would provide for the adoption of future federal regulations, including

amendment thereto, if the department finds the regulations meet that criteria. The bill would require the department to adopt regulations that it determines are necessary for the administration and enforcement of the adopted federal regulations. The bill would also prohibit the department from adopting regulations that are determined by the Nuclear Regulatory Commission, or its successor, to address areas of regulation that cannot be relinquished to agreement states.

The bill would also make conforming changes and delete obsolete provisions and erroneous references.

Since a violation of the regulations adopted pursuant to the law is a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires a license issued by the State Department of Health Care Services to operate a community care facility. Existing law defines “community care facility” as any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Existing law exempts certain entities from regulation as community care facilities.~~

~~This bill would exempt overnight shelters for unaccompanied youth or homeless youth, as defined, from the provisions regulating community care facilities.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 114975 of the Health and Safety Code is*
- 2 *amended to read:*
- 3 114975. Rules and regulations adopted under this chapter shall
- 4 be adopted in accordance with Chapter 3.5 (commencing with
- 5 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
- 6 Code, ~~and Sections 25733 and Section 114920 of this code.~~

1 SEC. 2. Section 114985 of the Health and Safety Code is
2 amended to read:

3 114985. As used in this chapter:

4 (a) "Secretary" means the Secretary of the Natural Resources
5 Agency.

6 (b) "Ionizing radiation" means gamma rays and X-rays; alpha
7 and beta particles, high-speed electrons, neutrons, protons, and
8 other nuclear particles; but not sound or radio waves, or visible,
9 infrared, or ultraviolet light.

10 (c) "Person" means any individual, corporation, partnership,
11 limited liability company, firm, association, trust, estate, public or
12 private institution, group, agency, political subdivision of this state,
13 any other state or political subdivision or agency thereof, and any
14 legal successor, representative, agent, or agency of the foregoing,
15 other than the United States Nuclear Regulatory Commission, the
16 United States Department of Energy, or any successor ~~thereto~~ to
17 those entities, and other than federal government agencies licensed
18 by the United States Nuclear Regulatory Commission, under prime
19 contract to the United States Department of Energy, or any
20 successor thereto.

21 (d) "Byproduct material" means any radioactive material, except
22 special nuclear material, yielded in, or made radioactive by
23 exposure to the radiation incident to, the process of producing or
24 utilizing special nuclear material.

25 (e) "Source material" means ~~(1) uranium,~~ either of the following:

26 (1) Uranium, thorium, or any other material ~~which~~ that the
27 department declares by rule to be source material after the United
28 States Nuclear Regulatory Commission, or any successor ~~thereto~~
29 to that commission, has determined the material to be such; or (2)
30 ores source material.

31 (2) Ores containing one or more of the ~~foregoing~~ materials
32 described in paragraph (1), in ~~such a~~ concentration ~~as that~~ the
33 department declares by rule to be source material after the United
34 States Nuclear Regulatory Commission, or any successor ~~thereto~~
35 to that commission, has determined the material in ~~such that~~
36 concentration to be source material.

37 (f) "Special nuclear material" means ~~(1) plutonium,~~ either of
38 the following:

39 (1) Plutonium, uranium 233, uranium enriched in the isotope
40 233 or in the isotope 235, and any other material ~~which~~ that the

1 department declares by rule to be special nuclear material after the
2 United States Nuclear Regulatory Commission, or any successor
3 ~~thereto to that commission~~, has determined the material to be ~~such~~
4 *special nuclear material*, but *that* does not include source material;
5 ~~or (2) any.~~

6 (2) Any material artificially enriched by ~~any of the foregoing a~~
7 *material described in paragraph (1)*, but does not include source
8 material.

9 (g) “General license” means a license, pursuant to regulations
10 promulgated by the department, effective without the filing of an
11 application, to transfer, acquire, own, possess or use quantities of,
12 or devices or equipment utilizing, byproduct, source, or special
13 nuclear materials or other radioactive material occurring naturally
14 or produced artificially.

15 (h) “Specific license” means a license, issued after application,
16 to use, manufacture, produce, transfer, receive, acquire, own, or
17 possess quantities of, or devices or equipment utilizing, byproduct,
18 source, or special nuclear materials or other radioactive material
19 occurring naturally or produced artificially.

20 (i) “Registration” means the reporting of possession of a source
21 of radiation and the furnishing of information with respect ~~thereto~~
22 *to a source of radiation*, in accordance with subdivision (b) of
23 Section 115060.

24 (j) “Department” means the State Department of ~~Health Services~~
25 *Public Health*.

26 (k) “Director” means the ~~State Director of Health Services~~
27 *Public Health*.

28 (l) “Federal research and development activity” means ~~any an~~
29 activity of the Secretary of Energy conducted at ~~any a~~ research
30 facility owned or operated by the United States Department of
31 Energy.

32 (m) “Low-level waste” means radioactive waste not classified
33 as high-level radioactive waste, transuranic waste, spent nuclear
34 fuel, or the byproduct material defined in Section 11(e)(2) of the
35 Atomic Energy Act of 1954 (42 U.S.C. Sec. 2014 (e)(2)). For
36 purposes of this subdivision, the following definitions shall apply:

37 (1) “High-level radioactive waste” means either of the following:

38 (A) The highly radioactive material resulting from the
39 reprocessing of spent nuclear fuel, including liquid waste produced
40 directly in reprocessing and any solid material derived from this

1 liquid waste that contains fission products in sufficient
2 concentrations.

3 (B) Other highly radioactive material that the Nuclear
4 Regulatory Commission, consistent with existing law, determines
5 by rule requires permanent isolation.

6 (2) “Spent nuclear fuel” means fuel that has been withdrawn
7 from a nuclear reactor following irradiation, the constituent
8 elements of which have not been separated by reprocessing.

9 (3) “Transuranic waste” means ~~any~~ a waste containing more
10 than 100 nanocuries of alpha emitting transuranic nuclides with
11 half-life greater than five years per gram of waste material.

12 (n) “Mammogram” means an X-ray image of the human breast.

13 (o) “Mammography” means the procedure for creating a
14 mammogram.

15 (p) “Mammography quality assurance” means the detection of
16 a change in X-ray and ancillary equipment that adversely affects
17 the quality of films and the glandular radiation dose, and the
18 correction of this change.

19 (q) “Mammogram certification” means a certification, issued
20 by the department after registration, that the equipment dedicated
21 to or used for mammography meets the standards prescribed
22 pursuant to this chapter.

23 (r) “Nuclear Regulatory Commission” means the United States
24 Nuclear Regulatory Commission or its successor.

25 SEC. 3. Section 114986 is added to the Health and Safety Code,
26 to read:

27 114986. (a) For purposes of this section, “agreement state”
28 means a state with which the Nuclear Regulatory Commission has
29 entered into an effective agreement under former Section 274b of
30 the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec.
31 2021(b)), that state ratified as specified in Section 115230.

32 (b) Except as provided in subdivision (c), a regulation adopted
33 by the Nuclear Regulatory Commission and in effect on January
34 1, 2014, shall be deemed to be the regulations of this state and
35 adopted pursuant to this chapter if the regulations are any of the
36 following:

37 (1) The regulations are required by federal law or regulation
38 to be adopted by an agreement state in an essentially identical
39 manner.

1 (2) An agreement state is required by federal law or regulation
2 to meet the essential objective of that regulation, including, but
3 not limited to, compatibility.

4 (3) The regulations are identified by the Nuclear Regulatory
5 Commission as having a particular health and safety role,
6 including, but not limited to, adequacy, as determined by the
7 Nuclear Regulatory Commission.

8 (c) Except as provided in subdivision (d), the regulations
9 adopted by the Nuclear Regulatory Commission, including
10 amendments to those regulations, adopted after January 1, 2014,
11 shall be deemed to be the regulations of the state and adopted
12 pursuant to this chapter, if the department makes one of the
13 findings specified in paragraphs (1) to (3), inclusive, of subdivision
14 (b).

15 (d) Subdivision (b) and (c) do not apply to any of the following
16 regulations:

17 (1) A regulation adopted by the Nuclear Regulatory Commission
18 that conflicts with existing state law.

19 (2) (A) The regulations found in Subpart E (commencing with
20 Section 20.1401) of Part 20 of Chapter I of Title 10 of the Code
21 of Federal Regulations.

22 (B) Paragraph (A) does not prohibit the department from
23 adopting equivalent regulations in accordance with applicable
24 laws.

25 (3) The definition of the term “byproduct material,” as provided
26 in the regulations specified in subdivision (b).

27 (e) A federal regulation adopted pursuant to subdivision (b)
28 shall take effect in this state on the effective date of the federal
29 regulation.

30 (f) The department shall adopt regulations that it determines
31 are necessary for the administration and enforcement of the
32 regulations adopted pursuant to subdivision (b) or (c).

33 (g) This section does not authorize and the department shall
34 not adopt regulations determined by the Nuclear Regulatory
35 Commission to address areas of regulation that cannot be
36 relinquished to agreement states pursuant to the Atomic Energy
37 Act of 1954, as amended, or the regulations adopted by the Nuclear
38 Regulatory Commission.

39 SEC. 4. Section 115000.1 of the Health and Safety Code is
40 amended to read:

1 115000.1. (a) For the purposes of this section, the following
2 terms have the following meanings:

3 (1) “Generate” means to produce or cause the production of, or
4 to engage in an activity ~~which~~ *that* otherwise results in the creation
5 or increase in the volume of, low-level radioactive waste.

6 (2) (A) “Generator” means ~~any~~ *a* person who, by his or her
7 actions, or by the actions of his or her agent, employee, or
8 independent contractor, generates low-level radioactive waste in
9 the state.

10 (B) For purposes of this section, a person who provides for or
11 arranges for the collection, transportation, treatment, storage, or
12 disposal of low-level radioactive waste generated by others is a
13 generator only to the extent that his or her actions, or the actions
14 of his or her agent, employee, or independent contractor, generate
15 low-level radioactive waste.

16 (3) “Person” means an individual, partnership, corporation, or
17 other legal entity, including any state, interstate, federal, or
18 municipal governmental entity.

19 (4) “Waste” means material that is not in use and is no longer
20 useful.

21 (5) “Generator category” includes, but is not limited to, any of
22 the following:

23 (A) Nuclear powerplants.

24 (B) Reactor vendors or designers.

25 (C) Government.

26 (D) Medicine.

27 (E) Academia.

28 (F) Aerospace.

29 (G) Military.

30 (H) Research.

31 (I) Industrial gauges.

32 (J) Manufacturing.

33 (6) “Low-level radioactive waste” or “LLRW” has the same
34 meaning as defined in Article 2 of the Southwestern Low-Level
35 Radioactive Waste Disposal Compact, as set forth in Section
36 115255.

37 (7) “Class” means the class of low-level radioactive waste.
38 “Class ~~A~~; *A*,” “class ~~B~~”; *B*,” and “class C” waste are those classes
39 defined in Section 61.55 of Title 10 of the Code of Federal
40 Regulations.

1 (8) “Licensed LLRW disposal facility” means any of the three
2 disposal facilities located at Barnwell, South Carolina; Clive, Utah;
3 or Richland, Washington, that exist on January 1, 2003.

4 (b) The department shall, for the protection of public health and
5 safety maintain a file of each manifest from each generator of
6 LLRW that is sent to a disposal facility or to a facility subject to
7 the Southwestern Low-level Radioactive Waste Disposal Compact,
8 as set forth in Article 17 (commencing with Section 115250).

9 (c) The department shall, for the protection of public health and
10 safety, maintain a file of all LLRW transferred for disposal to a
11 licensed LLRW disposal facility during the reporting period, either
12 directly or through a broker or agent, that shall meet all of the
13 following conditions:

14 (1) Specify the category of generator, class, quantity by activity,
15 and volume of LLRW, including an estimate of the peak and
16 average quantities in storage, along with the identity of the
17 generator, and the chemical and physical characteristics of that
18 waste, including its half-life, properties, or constituents, and
19 radionuclides present at, or above, the minimum labeling
20 requirements, with their respective concentrations and amounts of
21 radioactivity.

22 (2) Be updated annually, at minimum, to ensure an accurate and
23 timely depiction of radioactive waste in the state.

24 (3) Include all of the following information in the file:

25 (A) The total volume, volume by class, and activity by
26 radionuclide and class.

27 (B) The types and specifications of individual containers used
28 and the number of each type transferred for disposal.

29 (C) The maximum surface radiation exposure level on any single
30 container of LLRW transferred, the number of disposal containers
31 that exceed 200 mR/hour, and the volume, class, and activity by
32 radionuclide.

33 (D) The identification of each licensed LLRW disposal facility
34 to which LLRW was transferred, either directly or through a broker
35 or agent, and the volume and activity by class of LLRW transferred
36 by each broker to each licensed LLRW disposal facility.

37 (E) The identification of all brokers or agents to which LLRW
38 was transferred and the volume and activity by class of the
39 generator’s LLRW transferred by each broker or agent to each
40 licensed LLRW disposal facility.

1 (F) The weight of source material by its type. For purposes of
2 this ~~paragraph~~ *subparagraph*, “type” includes, but is not limited
3 to, natural uranium, depleted uranium, or thorium.

4 (G) The total number of grams of special nuclear material by
5 radionuclide, and the maximum number of grams of special nuclear
6 material in any single shipment by radionuclide.

7 (H) As complete a description as practicable of the principal
8 chemical and physical form of the LLRW by volume and
9 radionuclide, including the identification of any known hazardous
10 properties, other than its radioactive property.

11 (I) For solidified or sorbed liquids, the nature of the liquid, the
12 solidifying or sorbing agent used, and the final volume.

13 (J) For LLRW containing more than 0.1 percent by weight
14 chelating agents, the identification of the chelating agent, the
15 volume and weight of the LLRW and the weight percentage of
16 chelating agent.

17 (K) For LLRW that was treated, either by the generator or its
18 agent or independent contractor, in preparation for transfer to a
19 licensed LLRW disposal facility described in paragraph (8) of
20 subdivision (a) for the purpose of reducing its volume or activity
21 by any method, including reduction by storage for decay, or for
22 the purpose of changing its physical or chemical characteristics in
23 a manner other than by solidification or sorption of liquids, the
24 file shall include a description of the treatment process.

25 (L) The volume, volume by class, and activity by radionuclide
26 and class of that LLRW, if any, that the generator is holding at the
27 end of the annual reporting period because the generator knows
28 or has reason to believe that LLRW will not be accepted for
29 disposal at any of the licensed LLRW disposal facilities. The file
30 shall include a description of this LLRW.

31 (d) The department shall maintain a file on each generator’s
32 LLRW stored, including specific radionuclides, total volume,
33 volume by class, total activity, and activity by radionuclide and
34 class of LLRW stored for decay and stored for later transfer,
35 including the periods of time for both types of storage.

36 (e) (1) The department shall prepare an annual report, including
37 a set of tables summarizing data collected from the activities and
38 maintenance of files specified in subdivisions (c) and (d) to the
39 department. These annual data tables shall contain information
40 that summarizes and categorizes, by category, and if applicable,

1 subcategory, of generator and location by county and identity of
2 generator, the nature, characteristics and the total volume, volume
3 by class, total activity and activity by radionuclide and class of
4 LLRW generated, disposed of, treated, transferred, stored for later
5 transfer, and stored for decay during each calendar year.

6 (2) The department shall note, in the set of tables prepared
7 pursuant to paragraph (1), any generator for which data are lacking.

8 (f) The department shall make the information described in
9 subdivisions (c) and (d) available to the public in a format that
10 aggregates the information by county. The department shall not
11 make public the identity and location of any site where LLRW is
12 stored or used. The department may combine information from
13 multiple counties if necessary to protect public security.
14 Notwithstanding any other provision of law the department shall
15 not make the report prepared pursuant to subdivision (e) available
16 to the public, and the report is not subject to the California Public
17 Records Act (Chapter 3.5 (commencing with Section 6250) of
18 Division 6 of Title 1 of the Government Code).

19 (g) The department may make the information described in
20 subdivisions (c) and (d) available upon request to any Member of
21 the Legislature. No Member of the Legislature may disclose the
22 identity or location of any site where LLRW is stored or used to
23 any member of the general public.

24 (h) To meet the requirements of this section, each generator
25 shall submit to the department the information included in Forms
26 540, 541, and 542, and any successor forms, of the Nuclear
27 Regulatory Commission, for each LLRW shipment. In addition,
28 for purposes of subparagraph (L) of paragraph—(4) (3) of
29 subdivision (c) and subdivision (d), each generator shall annually
30 complete and submit to the department the information included
31 on Forms 540, 541, and 542, and any successor forms, of the
32 Nuclear Regulatory Commission that describe the LLRW stored
33 and shipped by the generator.

34 *SEC. 5. Section 115060 of the Health and Safety Code is*
35 *amended to read:*

36 115060. (a) The department shall provide by rule or regulation
37 for general or specific licensing of persons to receive, possess, or
38 transfer radioactive materials, or devices or equipment utilizing
39 these materials. That rule or regulation shall provide for *the*
40 amendment, suspension, or revocation of licenses.

1 (b) The department may require registration and inspection of
2 sources of ionizing radiation other than those that require a specific
3 license, and compliance with specific safety standards to be adopted
4 by the department.

5 (c) The department may exempt certain sources of ionizing
6 radiation or kinds of uses or users from the licensing or registration
7 requirements set forth in this section ~~when~~ *if* the department makes
8 a finding that the exemption of these sources of ionizing radiation
9 or kinds of uses or users will not constitute a significant risk to the
10 health and safety of the public.

11 (d) ~~Regulations~~ *The regulations* adopted pursuant to this chapter
12 may provide for recognition of other state or federal licenses as
13 the department may deem desirable, subject to *the* registration
14 requirements ~~as~~ *that* the department may prescribe.

15 (e) The department shall adopt registration and certification
16 regulations for mammography equipment. These regulations shall
17 include, but not be limited to, all of the following requirements:

18 (1) An X-ray machine used for mammography shall be
19 specifically designed for mammography and inspected by the
20 department, or deemed satisfactory by the department based upon
21 evidence of certification by the American College of Radiology
22 mammography accreditation program, or an accreditation program
23 that the department deems equivalent before it is certified.

24 (2) ~~That all~~ *All* persons who have a certificate for mammography
25 equipment *shall* follow a quality assurance program to be adopted
26 by the department to ensure the protection of the public health and
27 safety.

28 (3) ~~That quality~~ *Quality* assurance tests, as determined by the
29 department, ~~are~~ *shall be* performed on all mammography
30 equipment located in a mobile van or unit after each relocation of
31 the mobile van or unit to a different location for the purpose of
32 providing mammography. This equipment shall be recalibrated if
33 images are not of diagnostic quality as determined by the
34 department. ~~A~~ *The department shall maintain and make available*
35 *for inspection* a written record of the location of mobile vans or
36 units with dates and times ~~shall be maintained and available for~~
37 ~~inspection by the department.~~

38 (4) ~~On or after July 15, 1993, all~~ *All* mammography equipment
39 shall be registered with and certified by the department. If this
40 mammography equipment is certified by a private accreditation

1 organization, the department shall take into consideration evidence
2 of this private certification when deciding to issue a mammogram
3 certification.

4 (5) All licenses, permits, and certificates issued by the
5 department pursuant to this chapter and the Radiologic Technology
6 Act (Section 27) relating to the use of mammography equipment
7 shall be publicly posted pursuant to this section and regulations
8 adopted by the department.

9 (f) To further ensure the quality of mammograms, the
10 department shall require all mammogram facilities, other than
11 mobile units or vans, to operate quickly and efficiently so as to
12 ensure that the facilities are able to develop mammograms of
13 diagnostic quality prior to when the patient leaves the facility.

14 *SEC. 6. Section 115061 of the Health and Safety Code is*
15 *amended to read:*

16 115061. (a) In order to better protect the public and radiation
17 workers from unnecessary exposure to radiation and to reduce the
18 occurrence of misdiagnosis, the Radiologic Health Branch within
19 the State Department of *Public Health—Services* shall adopt
20 regulations that require personnel and facilities using
21 radiation-producing equipment for medical and dental purposes
22 to maintain and implement medical and dental quality assurance
23 standards that protect the public health and safety by reducing
24 unnecessary exposure to ionizing radiation while ensuring that
25 images are of diagnostic quality. The standards shall require quality
26 assurance tests to be performed on all radiation-producing
27 equipment used for medical and dental purposes.

28 (b) The Radiologic Health Branch shall adopt the regulations
29 described in subdivision (a) and provide the regulations to the
30 health committees of the Assembly and the Senate on or before
31 January 1, 2008.

32 (c) For purposes of this section, “medical and dental quality
33 assurance” means the detection of a change in X-ray and ancillary
34 equipment that adversely affects the quality of films or images and
35 the radiation dose to the patients, and the correction of this change.

36 *SEC. 7. Section 115080 of the Health and Safety Code is*
37 *amended to read:*

38 115080. (a) (1) Notwithstanding Section 6103 of the
39 Government Code, the department shall provide by regulation a
40 ranking of priority for inspection, as determined by the degree of

1 potentially damaging exposure of persons by ionizing radiation
2 and the requirements of Section 115085, and a schedule of fees,
3 based upon that priority ranking, that shall be paid by persons
4 possessing sources of ionizing radiation that are subject to
5 registration in accordance with subdivisions (b) and (e) of Section
6 115060, and regulations adopted pursuant ~~thereto~~ *to those sections.*

7 ~~The~~

8 (2) *The department may expend the revenues derived from the*
9 ~~fees shall be used,~~ together with other funds made available
10 ~~therefor,~~ for the purpose of carrying out ~~any~~ *the* inspections of the
11 sources of ionizing radiation required by this chapter or *the*
12 regulations adopted pursuant ~~thereto~~ *to this chapter.* ~~The fees shall,~~

13 (3) *The department shall set the fees so that* together with any
14 other funds made available to the department, ~~be~~ *the amount is*
15 sufficient to cover the costs of administering this ~~chapter,~~ and
16 *chapter.* ~~The fees shall be set in amounts intended to cover the~~
17 costs of administering this chapter for each priority source of
18 ionizing radiation. ~~Revenues~~

19 (4) *The revenues* generated by the fees shall not offset any
20 general funds appropriated for the support of the radiologic
21 programs authorized pursuant to this chapter; and the Radiologic
22 Technology Act (Section 27), and Chapter 7.6 (commencing with
23 ~~Section 114960~~). ~~Persons who pay 27).~~ *A person that pays fees*
24 shall not be required to pay, directly or indirectly, for the share of
25 the costs of administering this chapter ~~of~~ *for* those persons for
26 whom fees are waived. ~~The~~

27 (6) *When setting fees,* the department shall take into
28 consideration any contract payment from the Health Care Financing
29 Administration for performance of inspections for Medicare
30 certification and shall reduce this fee accordingly.

31 (b) A local agency participating in a negotiated agreement
32 pursuant to Section 114990 shall be fully reimbursed for direct
33 and indirect costs based upon activities governed by Section
34 115085. With respect to these agreements, any salaries, benefits,
35 and other indirect costs shall not exceed comparable costs of the
36 department. ~~Any changes in the frequency of inspections or the~~
37 ~~level of reimbursement to local agencies made by this section or~~
38 ~~Section 115085 during the 1985-86 Regular Session shall not~~
39 ~~affect ongoing contracts.~~

1 (c) The fees paid by persons possessing sources of ionizing
2 radiation shall be adjusted annually pursuant to Section 100425.

3 (d) The department shall establish two different registration fees
4 for mammography equipment pursuant to this section based upon
5 whether the equipment is accredited by an independent accrediting
6 agency recognized under the federal Mammography Quality
7 Standards Act (42 U.S.C. Sec. 263b).

8 (e) The department shall establish fees for followup inspections
9 related to the failure to correct violations of this chapter or
10 regulations adopted pursuant to this chapter. The fees established
11 by the department may be charged for each inspection visit.

12 *SEC. 8. No reimbursement is required by this act pursuant to*
13 *Section 6 of Article XIII B of the California Constitution because*
14 *the only costs that may be incurred by a local agency or school*
15 *district will be incurred because this act creates a new crime or*
16 *infraction, eliminates a crime or infraction, or changes the penalty*
17 *for a crime or infraction, within the meaning of Section 17556 of*
18 *the Government Code, or changes the definition of a crime within*
19 *the meaning of Section 6 of Article XIII B of the California*
20 *Constitution.*

21 ~~SECTION 1. Section 1505 of the Health and Safety Code is~~
22 ~~amended to read:~~

23 ~~1505. This chapter does not apply to any of the following:~~

24 ~~(a) Any health facility, as defined by Section 1250.~~

25 ~~(b) Any clinic, as defined by Section 1202.~~

26 ~~(c) Any juvenile placement facility approved by the Department~~
27 ~~of Corrections and Rehabilitation, Division of Juvenile Justice, or~~
28 ~~any juvenile hall operated by a county.~~

29 ~~(d) Any place in which a juvenile is judicially placed pursuant~~
30 ~~to subdivision (a) of Section 727 of the Welfare and Institutions~~
31 ~~Code.~~

32 ~~(e) Any child day care facility, as defined in Section 1596.750.~~

33 ~~(f) Any facility conducted by and for the adherents of any~~
34 ~~well-recognized church or religious denomination for the purpose~~
35 ~~of providing facilities for the care or treatment of the sick who~~
36 ~~depend upon prayer or spiritual means for healing in the practice~~
37 ~~of the religion of the church or denomination.~~

38 ~~(g) Any school dormitory or similar facility determined by the~~
39 ~~department.~~

1 ~~(h) Any house, institution, hotel, homeless shelter, or other~~
2 ~~similar place that supplies board and room only, or room only, or~~
3 ~~board only, provided that no resident thereof requires any element~~
4 ~~of care as determined by the director.~~

5 ~~(i) Recovery houses or other similar facilities providing group~~
6 ~~living arrangements for persons recovering from alcoholism or~~
7 ~~drug addiction where the facility provides no care or supervision.~~

8 ~~(j) Any alcoholism or drug abuse recovery or treatment facility~~
9 ~~as defined in Section 11834.02.~~

10 ~~(k) Any arrangement for the receiving and care of persons by~~
11 ~~a relative or any arrangement for the receiving and care of persons~~
12 ~~from only one family by a close friend of the parent, guardian, or~~
13 ~~conservator, if the arrangement is not for financial profit and occurs~~
14 ~~only occasionally and irregularly, as defined by regulations of the~~
15 ~~department. For purposes of this chapter, arrangements for the~~
16 ~~receiving and care of persons by a relative shall include relatives~~
17 ~~of the child for the purpose of keeping sibling groups together.~~

18 ~~(l) (1) Any home of a relative caregiver of children who are~~
19 ~~placed by a juvenile court, supervised by the county welfare or~~
20 ~~probation department, and the placement of whom is approved~~
21 ~~according to subdivision (d) of Section 309 of the Welfare and~~
22 ~~Institutions Code.~~

23 ~~(2) Any home of a nonrelative extended family member, as~~
24 ~~described in Section 362.7 of the Welfare and Institutions Code,~~
25 ~~providing care to children who are placed by a juvenile court,~~
26 ~~supervised by the county welfare or probation department, and the~~
27 ~~placement of whom is approved according to subdivision (d) of~~
28 ~~Section 309 of the Welfare and Institutions Code.~~

29 ~~(3) On and after January 1, 2012, any supervised independent~~
30 ~~living placement for nonminor dependents, as defined in~~
31 ~~subdivision (w) of Section 11400 of the Welfare and Institutions~~
32 ~~Code, who are placed by the juvenile court, supervised by the~~
33 ~~county welfare department, probation department, Indian tribe,~~
34 ~~consortium of tribes, or tribal organization that entered into an~~
35 ~~agreement pursuant to Section 10553.1 of the Welfare and~~
36 ~~Institutions Code, and whose placement is approved pursuant to~~
37 ~~subdivision (k) of Section 11400 of the Welfare and Institutions~~
38 ~~Code.~~

39 ~~(4) A Transitional Housing Program Plus, as defined in~~
40 ~~subdivision (s) of Section 11400 of the Welfare and Institutions~~

1 Code, that serves only eligible former foster youth over 18 years
2 of age who have exited from the foster care system on or after their
3 18th birthday, and that has obtained certification from the
4 applicable county in accordance with subdivision (c) of Section
5 16522 of the Welfare and Institutions Code.

6 (m) Any supported living arrangement for individuals with
7 developmental disabilities, as defined in Section 4689 of the
8 Welfare and Institutions Code.

9 (n) (1) Any family home agency, family home, or family
10 teaching home as defined in Section 4689.1 of the Welfare and
11 Institutions Code, that is vendored by the State Department of
12 Developmental Services and that does any of the following:

13 (A) As a family home approved by a family home agency,
14 provides 24-hour care for one or two adults with developmental
15 disabilities in the residence of the family home provider or
16 providers and the family home provider or providers' family, and
17 the provider is not licensed by the State Department of Social
18 Services or the State Department of Public Health or certified by
19 a licensee of the State Department of Social Services or the State
20 Department of Public Health.

21 (B) As a family teaching home approved by a family home
22 agency, provides 24-hour care for a maximum of three adults with
23 developmental disabilities in independent residences, whether
24 contiguous or attached, and the provider is not licensed by the
25 State Department of Social Services or the State Department of
26 Public Health or certified by a licensee of the State Department of
27 Social Services or the State Department of Public Health.

28 (C) As a family home agency, engages in recruiting, approving,
29 and providing support to family homes.

30 (2) No part of this subdivision shall be construed as establishing
31 by implication either a family home agency or family home
32 licensing category.

33 (o) Any facility in which only Indian children who are eligible
34 under the federal Indian Child Welfare Act (Chapter 21
35 (commencing with Section 1901) of Title 25 of the United States
36 Code) are placed and that is one of the following:

37 (1) An extended family member of the Indian child, as defined
38 in Section 1903 of Title 25 of the United States Code.

1 ~~(2) A foster home that is licensed, approved, or specified by the~~
2 ~~Indian child's tribe pursuant to Section 1915 of Title 25 of the~~
3 ~~United States Code.~~

4 ~~(p) (1) (A) Any housing occupied by elderly or disabled~~
5 ~~persons, or both, that is initially approved and operated under a~~
6 ~~regulatory agreement pursuant to Section 202 of Public Law 86-372~~
7 ~~(12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625~~
8 ~~(42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to~~
9 ~~Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that~~
10 ~~receives mortgage assistance pursuant to Section 221d (3) of Public~~
11 ~~Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are~~
12 ~~made available to residents at their option, as long as the project~~
13 ~~owner or operator does not contract for or provide the supportive~~
14 ~~services.~~

15 ~~(B) Any housing that qualifies for a low-income housing credit~~
16 ~~pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)~~
17 ~~or that is subject to the requirements for rental dwellings for~~
18 ~~low-income families pursuant to Section 8 of Public Law 93-383~~
19 ~~(42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled~~
20 ~~persons, or both, where supportive services are made available to~~
21 ~~residents at their option, as long as the project owner or operator~~
22 ~~does not contract for or provide the supportive services.~~

23 ~~(2) The project owner or operator to which paragraph (1) applies~~
24 ~~may coordinate, or help residents gain access to, the supportive~~
25 ~~services, either directly, or through a service coordinator.~~

26 ~~(q) Overnight shelters for unaccompanied youth, as defined in~~
27 ~~Section 11434a(6) of Title 42 of the United States Code, or~~
28 ~~homeless youth, as defined in paragraph (2) of subdivision (c) of~~
29 ~~Section 11139.3 of the Government Code.~~

30 ~~(r) Any similar facility determined by the director.~~