

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1464

Introduced by Assembly Member Bloom

February 27, 2015

~~An act to amend Section 18870 of the Business and Professions Code, relating to business.~~ *An act to amend Sections 7414.1, 7414.3, 7414.4, 7414.6, 22702, 22704, 22705, 22706, and 22707 of, and to add Sections 22704.5, 22704.7, and 22705.5 to, the Business and Professions Code, and to amend Sections 114985 and 115085 of the Health and Safety Code, relating to tanning.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1464, as amended, Bloom. ~~State Athletic Commission Act. Tanning.~~

Existing law, the Filante Tanning Facility Act of 1988, provides for the regulation of tanning facilities by the Department of Consumer Affairs. A violation of the act is a crime. Existing law, 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 crime.

This bill would require the State Department of Public Health to license and regulate the owners of tanning facilities, as specified, and to administer the provisions that regulate tanning facilities. The bill would impose a licensure fee on the owners of tanning facilities, to be deposited into a newly created fund, subject to appropriation. The bill would require tanning device operators to receive training in the operation of tanning equipment, as specified, and would require the State Department of Public Health to adopt regulations to implement

those training requirements. The bill would make changes to the Radiation Control Law to impose additional inspection requirements for nonionizing radiation devices, as defined. The bill would make conforming changes to related provisions.

By extending the application of a crime pursuant to the Filante Tanning Facility Act of 1988 and the Radiation Control Law, this bill would impose a state-mandated local program.

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.

~~Under existing law, the State Athletic Commission Act, the State Athletic Commission has jurisdiction over all professional and amateur boxing, professional and amateur kickboxing, all forms and combinations of forms of full contact martial arts contests, including mixed martial arts, and matches or exhibitions conducted, held, or given within this state. Under existing law, any person or promoter who directly or indirectly holds, aids, or abets, or attempts to hold, aid, or abet the holding of, any contest, match, or exhibition without first having obtained a license or permit is guilty of a misdemeanor.~~

~~This bill would make nonsubstantive changes to that provision.~~

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. This act shall be known, and may be cited, as the
- 2 NonIonizing Radiation Protection Act.
- 3 SEC. 2. In enacting this act, the Legislature finds and declares
- 4 all of the following:
- 5 (a) In May 2014, the federal Food and Drug Administration
- 6 issued a final order reclassifying sunlamp products and ultraviolet
- 7 (UV) lamps intended for use in sunlamp products from low-risk
- 8 (class I) to moderate-risk (class II) devices, requiring that sunlamp
- 9 products carry a visible black-box warning on the device that
- 10 explicitly states that the sunlamp product should not be used on
- 11 persons under 18 years of age, and requiring that marketing

1 *materials for sunlamp products and UV lamps include additional*
2 *and specific warning statements and contraindications.*

3 *(b) The public health interest requires that the people of this*
4 *state be protected from excessive and improper exposure to*
5 *nonionizing radiation.*

6 *(c) In order to provide that protection, it is necessary to require*
7 *increased inspections and calibration of tanning devices that are*
8 *located in tanning parlors, fitness facilities, and other settings.*

9 *(d) It is the purpose of this act to establish tanning equipment*
10 *inspection and safety standards and standards of education,*
11 *training, and experience for persons who use nonionizing radiation*
12 *on human beings, and to prescribe means for ensuring that these*
13 *standards are met.*

14 *SEC. 3. Section 7414.1 of the Business and Professions Code*
15 *is amended to read:*

16 7414.1. All records required by law to be kept by tanning
17 facilities subject to the Filante Tanning Facility Act of 1988
18 (Chapter 23 (commencing with Section 22700) of Division 8),
19 including, but not limited to, records relating to written warning
20 statements, the sign required to be posted, the qualifications of
21 facility operators, statements of acknowledgment, ~~parental consent~~
22 ~~forms~~, and injury reports, shall be open to inspection by the ~~board~~
23 *State Department of Public Health*, or its authorized
24 representatives, during any inspection, or during any investigation
25 initiated in response to a complaint that the tanning facility has
26 violated any provision of the Filante Tanning Facility Act of 1988.
27 A copy of any or all of those records shall be provided to the ~~board~~
28 *State Department of Public Health*, or its authorized
29 representatives, immediately upon request.

30 *SEC. 4. Section 7414.3 of the Business and Professions Code*
31 *is amended to read:*

32 7414.3. (a) Any representative of the ~~board~~ *State Department*
33 *of Public Health* designated by the ~~director~~ *officer* shall have the
34 authority to issue a written notice to appear in court pursuant to
35 Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2
36 of the Penal Code. Representatives so designated are not peace
37 officers and are not entitled to safety member retirement benefits,
38 as a result of that designation. Except as otherwise provided, the
39 representative's authority is limited to the issuance of written
40 notices to appear for infraction violations of the Filante Tanning

1 Facility Act of 1988 and only when the violation is committed in
2 the presence of the representative.

3 (b) There shall be no civil liability on the part of, and no cause
4 of action shall arise against, any representative, acting pursuant to
5 subdivision (a) and within the scope of his or her authority, for
6 false arrest or false imprisonment arising out of any arrest which
7 is lawful or which the representative, at the time of that arrest, had
8 reasonable cause to believe was lawful.

9 (c) This section shall become effective July 1, 1994.

10 *SEC. 5. Section 7414.4 of the Business and Professions Code*
11 *is amended to read:*

12 7414.4. The ~~board~~ *State Department of Public Health*, and its
13 authorized representatives, may disseminate information to tanning
14 facilities regarding compliance with the Filante Tanning Facility
15 Act of 1988.

16 *SEC. 6. Section 7414.6 of the Business and Professions Code*
17 *is amended to read:*

18 7414.6. The ~~board~~ *State Department of Public Health* may
19 adopt regulations concerning the operation of tanning facilities in
20 licensed establishments.

21 *SEC. 7. Section 22702 of the Business and Professions Code*
22 *is amended to read:*

23 22702. As used in this chapter:

24 (a) "Tanning facility" means any location, place, area, structure,
25 or business that provides persons access to any tanning device.

26 (b) "Department" means the *State Department of* ~~Consumer~~
27 ~~Affairs~~ *Public Health*.

28 (c) "Phototherapy device" means equipment that emits
29 ultraviolet radiation used by a health care professional in the
30 treatment of disease.

31 (d) "Tanning device" means an ultraviolet tanning device and
32 any accompanying equipment, including, but not limited to,
33 protective eyewear, timers, and handrails.

34 (e) "Ultraviolet tanning device" means equipment that emits
35 electromagnetic radiation with wavelengths in the air between 200
36 and 400 nanometers used for tanning of the skin, including, but
37 not limited to, a sunlamp, tanning booth, or tanning bed.

38 (f) "*Tanning device operator*" means any person who is
39 *designated by the owner of a tanning facility to operate, or assist*
40 *and instruct a customer in the operation and use of, the tanning*

1 facility or tanning equipment. “Tanning device operator” includes,
2 but is not limited to, a tanning device operator who conducts one
3 or more of the following activities:

- 4 (1) Determines consumer’s skin type.
- 5 (2) Determines the suitability of prospective consumers for
6 tanning equipment use.
- 7 (3) Informs the consumer of dangers of ultraviolet radiation
8 exposure, including photoallergic reactions and photosensitizing
9 agents.
- 10 (4) Ensures that the consumer reads and properly signs all
11 forms as required by this chapter.
- 12 (5) Maintains required consumer exposure records.
- 13 (6) Recognizes and reports consumer injuries or alleged injuries
14 to the owner of the tanning facility.
- 15 (7) Determines the consumer’s exposure schedule.
- 16 (8) Sets timers that control the duration of exposure.
- 17 (9) Instructs the consumer in the proper use of protective
18 eyewear.

19 SEC. 8. Section 22704 of the Business and Professions Code
20 is amended to read:

21 22704. Any tanning device used by a tanning facility shall
22 comply with all applicable state and federal laws and regulations.

23 SEC. 9. Section 22704.5 is added to the Business and
24 Professions Code, to read:

25 22704.5. (a) Any person who owns and operates a tanning
26 facility shall be licensed by the department to operate a tanning
27 facility. The license shall be renewed annually.

28 (b) The department shall issue a license to own and operate a
29 tanning facility to any person who submits an application for a
30 license to the department and meets the following requirements:

- 31 (1) Is at least 18 years of age.
- 32 (2) Pays the licensure fee established pursuant to subdivision
33 (c).

34 (c) A licensee shall be subject to the imposition of a reasonable
35 fee for his or her license or license renewal, which shall not exceed
36 the reasonable costs to the department in implementing this
37 chapter.

38 (d) There is hereby established the Tanning Facility Fund, for
39 purposes of depositing the moneys collected pursuant to this

1 section. The moneys in the fund shall be subject to appropriation
2 by the Legislature.

3 (e) The department may adopt any regulation as may be
4 necessary to effectuate this section.

5 SEC. 10. Section 22704.7 is added to the Business and
6 Professions Code, to read:

7 22704.7. (a) On or before January 1, 2017, the department
8 shall adopt regulations that establish training requirements for
9 tanning device operators. At a minimum, the training requirements
10 shall include training on the following procedures:

11 (1) Procedures for the correct operation of the tanning facility
12 and tanning equipment.

13 (2) Recognition of injury or overexposure to ultraviolet
14 radiation.

15 (3) The tanning equipment manufacturer’s procedures for
16 operation and maintenance of the tanning equipment.

17 (4) The determination of skin type of customers and appropriate
18 determination of duration of exposure to tanning equipment.

19 (5) Emergency procedures to be followed in case of injury.

20 (b) The training requirements established pursuant to this
21 section shall be effective on and after January 1, 2018. A tanning
22 device operator who fails to meet these requirements after that
23 date shall not operate as a tanning device operator.

24 SEC. 11. Section 22705 of the Business and Professions Code
25 is amended to read:

26 22705. (a) A tanning facility shall ~~give each customer, prior~~
27 ~~to the customer’s use of an ultraviolet tanning device, a written~~
28 ~~statement warning that:~~ require that each customer read a copy
29 of the warning established by this section and sign a statement
30 that the information has been read and understood. For illiterate
31 or visually impaired persons unable to sign their name, the warning
32 statement shall be read by the tanning device operator, in the
33 presence of a witness, and the witness and the operator shall sign
34 the statement. This warning shall be presented to a customer prior
35 to the customer’s use of an ultraviolet tanning device, and shall
36 include a written statement warning of all of the following:

37 (1) Not wearing the eye protection provided to the customer by
38 the tanning center may cause damage to the eyes.

39 (2) Overexposure causes burns.

1 (3) Repeated exposure may cause premature aging of the skin
2 and skin cancer.

3 (4) Abnormal skin sensitivity or burning may be caused by
4 certain:

5 (A) Foods.

6 (B) Cosmetics.

7 (C) Medications, including, but not limited to, the following:

8 (i) Tranquilizers.

9 (ii) Diuretics.

10 (iii) Antibiotics.

11 (iv) High blood pressure medicines.

12 (v) Birth control pills.

13 (5) Any person taking a prescription or over-the-counter drug
14 should consult a physician before using an ultraviolet tanning
15 device.

16 (6) Any person with skin that burns easily should avoid an
17 ultraviolet tanning device.

18 (7) Any person with a family history or past medical history of
19 skin cancer should avoid an ultraviolet tanning device.

20 (8) *The federal Food and Drug Administration classifies tanning
21 devices, such as those used in this facility, as Class II devices that
22 may contribute to skin cancer linked to radiation-emitting devices.*

23 (b) A tanning facility shall conspicuously post a warning sign
24 in any area where an ultraviolet tanning device is used that is
25 readily visible to a person using an ultraviolet tanning device. The
26 sign shall read as follows:

27

28

DANGER: ULTRAVIOLET RADIATION

29

30 ~~1. Follow instructions.~~

31

32 *1. The federal Food and Drug Administration states that people
33 repeatedly exposed to UV radiation should be regularly evaluated
34 for skin cancer and that the use of indoor tanning devices does all*

of the following:

35 *(a) Is contraindicated for use on persons under 18 years of age.*

36 *(b) Must not be used if skin lesions or open wounds are present.*

37 *(c) Should not be used on people who have had skin cancer or
38 a family history of skin cancer.*

39 2. Avoid too frequent or too lengthy exposure. As with natural
40 sunlight, exposure can cause eye and skin injury and allergic

1 reactions. Repeated exposure may cause chronic sun damage
2 characterized by wrinkling, dryness, fragility and bruising of the
3 skin, and skin cancer.

4 3. Wear protective eyewear.

5 FAILURE TO USE PROTECTIVE EYEWEAR
6 MAY RESULT IN SEVERE BURNS OR
7 LONG-TERM INJURY TO THE EYES.

8 4. Ultraviolet radiation from sunlamps will aggravate the effects
9 of the sun. Therefore, do not sunbathe before or after exposure to
10 ultraviolet radiation.

11 5. Medications or cosmetics may increase your sensitivity to
12 ultraviolet radiation. Consult a physician before using a sunlamp
13 if you are using medications, have a history of skin problems, or
14 believe you are especially sensitive to sunlight. Pregnant women
15 or women on birth control pills who use this product may develop
16 discolored skin.

17 IF YOU DO NOT TAN IN THE SUN YOU WILL
18 NOT TAN FROM USE OF THIS DEVICE.

19 (e)

20 (d) A tanning facility may include in the warning sign described
21 in subdivision (b) the following statement: "Spray on tans and
22 other sunless tanning products are not subject to the same effects
23 as ultraviolet tanning devices."

24 (d)

25 (e) A tanning facility shall not claim, or distribute promotional
26 materials that claim, that using an ultraviolet tanning device is safe
27 or free from risk or that indoor tanning has any known health
28 benefits.

29 (e)

30 (f) The liability of a tanning facility operator or a manufacturer
31 of an ultraviolet tanning device is not changed by giving the
32 warning under this section.

33 *SEC. 12. Section 22705.5 is added to the Business and*
34 *Professions Code, to read:*

35 *22705.5. The owner of a tanning facility shall do all of the*
36 *following:*

37 (a) *Maintain a record of each customer's total number of*
38 *tanning visits, including dates and durations of tanning exposures.*

39 (b) *In addition to the requirements set forth in Section 22707,*
40 *submit to the department a written report of injury for which*

1 *medical attention was sought or obtained from the use of tanning*
2 *equipment within five working days after occurrence. The report*
3 *shall include all of the following:*

4 (1) *The name of the affected individual.*
5 (2) *The name and location of the tanning facility involved.*
6 (3) *The nature of the actual or alleged injury.*
7 (4) *The date and duration of exposure.*
8 (5) *Any documentation of medical attention sought or obtained*
9 *by the customer.*

10 (6) *Any other information that is relevant to the actual or alleged*
11 *injury.*

12 (c) *Not allow individuals under 18 years of age to use or operate*
13 *tanning equipment.*

14 (d) *Replace defective or burned out lamps, bulbs, or filters with*
15 *a type intended for use in the affected tanning equipment, as*
16 *specified by the manufacturer's product label, such as a certified*
17 *equivalent lamp having the same spectral distribution.*

18 (e) *Replace ultraviolet lamps and bulbs, which are not otherwise*
19 *defective or damaged, at any frequency or after a certain duration*
20 *of use as may be recommended by the manufacturer of the lamps*
21 *or bulbs.*

22 (f) *On and after January 1, 2018, certify to the department that*
23 *any tanning device operator in his or her employment has*
24 *completed the training requirements established pursuant to*
25 *Section 22704.7.*

26 (g) *On and after January 1, 2018, allow operation of tanning*
27 *equipment only by, and in the physical presence, of a tanning*
28 *device operator who has successfully met the training requirements*
29 *established pursuant to Section 22704.7.*

30 (h) *On and after January 1, 2018, maintain a record of the*
31 *training completed by tanning device operators in his or her*
32 *employment pursuant to Section 22704.7 for inspection by*
33 *authorized representatives of the department.*

34 (i) *Make available to all employees current copies of the*
35 *following documents:*

36 (1) *The owner's license and business license.*
37 (2) *Conditions or documents incorporated into the license and*
38 *amendments thereto, if any.*

39 (3) *Proof that all tanning device operators are 18 years of age*
40 *or older.*

1 (4) *Self-certification and knowledge of, and commitment to*
2 *meet, any state law or relevant local regulation pertaining to the*
3 *operation of tanning devices.*

4 (5) *His or her business address and the address at which he or*
5 *she will perform any activity regulated by this chapter.*

6 (j) *Display, in a place readily visible to the public at the tanning*
7 *facility, his or her license issued by the department.*

8 *SEC. 13. Section 22706 of the Business and Professions Code*
9 *is amended to read:*

10 22706. (a) A tanning facility shall:

11 (1) Have an operator present during operating hours who is
12 sufficiently knowledgeable in the correct operation of the tanning
13 devices used at the facility so that he or she is able to inform and
14 assist each customer in the proper use of the tanning devices,
15 *subject to the training requirements set forth in Section 22704.7.*

16 (2) Before each use of an ultraviolet tanning device, provide
17 each customer with properly sanitized protective eyewear that
18 protects the eye from ultraviolet radiation and allows adequate
19 vision to maintain balance; and not allow a person to use an
20 ultraviolet tanning device if that person does not use the protective
21 eyewear.

22 (3) Show each customer how to use suitable physical aids, such
23 as handrails and markings on the floor, to maintain proper exposure
24 distance as recommended by the manufacturer.

25 (4) Use a timer on an ultraviolet tanning device that has an
26 accuracy of plus or minus 10 percent of any selected timer interval.
27 The timer shall also be remotely located so that customers cannot
28 set their own exposure time.

29 (5) Limit each customer using an ultraviolet tanning device to
30 the maximum exposure time as recommended by the manufacturer.

31 (6) Control the interior temperature of a tanning facility so that
32 it does not exceed 100 degrees Fahrenheit.

33 (b) (1) Every person who uses a tanning facility shall sign a
34 written statement acknowledging that he or she has read and
35 understood the warnings before using the device; and agrees to
36 use the protective eyewear that the tanning facility provides. The
37 statement of acknowledgment shall be retained by the tanning
38 facility until the end of the calendar year at which time each person
39 who is a current customer of the facility shall be required to renew
40 that acknowledgment.

1 (2) Whenever using a tanning device a person shall use the
2 protective eyewear that the tanning facility provides.

3 (3) Persons under 18 years of age are prohibited from using an
4 ultraviolet tanning device.

5 (4) Proof of age shall be satisfied with a driver's license or other
6 government issued identification containing the date of birth and
7 a photograph of the individual.

8 *SEC. 14. Section 22707 of the Business and Professions Code*
9 *is amended to read:*

10 22707. If a patron is injured whereupon he or she must seek
11 medical attention, a tanning facility shall do the following:

12 (a) Report any injury to the department, *as required pursuant*
13 *to Section 22705.5.*

14 (b) Send a copy of the injury report to the person who is injured.

15 (c) Send a copy of the injury report to the ~~Federal~~ *federal* Food
16 and Drug Administration.

17 *SEC. 15. Section 114985 of the Health and Safety Code is*
18 *amended to read:*

19 114985. As used in this chapter:

20 (a) "Secretary" means the Secretary of the Resources Agency.

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

25 (c) "Person" means any individual, corporation, partnership,
26 limited liability company, firm, association, trust, estate, public or
27 private institution, group, agency, political subdivision of this state,
28 any other state or political subdivision or agency thereof, and any
29 legal successor, representative, agent, or agency of the foregoing,
30 other than the United States Nuclear Regulatory Commission, the
31 United States Department of Energy, or any successor thereto, and
32 other than federal government agencies licensed by the United
33 States Nuclear Regulatory Commission, under prime contract to
34 the United States Department of Energy, or any successor thereto.

35 (d) "Byproduct material" means any radioactive material, except
36 special nuclear material, yielded in, or made radioactive by
37 exposure to the radiation incident to, the process of producing or
38 utilizing special nuclear material.

39 (e) "Source material" means (1) uranium, thorium, or any other
40 material which the department declares by rule to be source

1 material after the United States Nuclear Regulatory Commission,
 2 or any successor thereto, has determined the material to be such;
 3 or (2) ores containing one or more of the foregoing materials, in
 4 such concentration as the department declares by rule to be source
 5 material after the United States Nuclear Regulatory Commission,
 6 or any successor thereto, has determined the material in such
 7 concentration to be source material.

8 (f) “Special nuclear material” means (1) plutonium, uranium
 9 233, uranium enriched in the isotope 233 or in the isotope 235,
 10 and any other material which the department declares by rule to
 11 be special nuclear material after the United States Nuclear
 12 Regulatory Commission, or any successor thereto, has determined
 13 the material to be such, but does not include source material; or
 14 (2) any material artificially enriched by any of the foregoing, but
 15 does not include source material.

16 (g) “General license” means a license, pursuant to regulations
 17 promulgated by the department, effective without the filing of an
 18 application, to transfer, acquire, own, possess or use quantities of,
 19 or devices or equipment utilizing, byproduct, source, or special
 20 nuclear materials or other radioactive material occurring naturally
 21 or produced artificially.

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

27 (i) “Registration” means the reporting of possession of a source
 28 of radiation and the furnishing of information with respect thereto,
 29 in accordance with subdivision (b) of Section 115060.

30 (j) “Department” means the State Department of *Public Health*
 31 *Services*.

32 (k) “Director” means the State ~~Director of~~ *Public Health*
 33 *Services Officer*.

34 (~~t~~)

35 (l) “Federal research and development activity” means any
 36 activity of the Secretary of Energy conducted at any research
 37 facility owned or operated by the United States Department of
 38 Energy.

39 (m) “Low-level waste” means radioactive waste not classified
 40 as high-level radioactive waste, transuranic waste, spent nuclear

1 fuel, or the byproduct material defined in Section 11(e)(2) of the
2 Atomic Energy Act of 1954 (42 U.S.C. Sec. 2014 (e)(2)). For
3 purposes of this subdivision, the following definitions shall apply:

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

5 (A) The highly radioactive material resulting from the
6 reprocessing of spent nuclear fuel, including liquid waste produced
7 directly in reprocessing and any solid material derived from this
8 liquid waste that contains fission products in sufficient
9 concentrations.

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

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

16 (3) “Transuranic waste” means any waste containing more than
17 100 nanocuries of alpha emitting transuranic nuclides with half-life
18 greater than five years per gram of waste material.

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

20 (o) “Mammography” means the procedure for creating a
21 mammogram.

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

26 (q) “Mammogram certification” means a certification, issued
27 by the department after registration, that the equipment dedicated
28 to or used for mammography meets the standards prescribed
29 pursuant to this chapter.

30 (r) “*Nonionizing radiation*” means sound or radio waves, or
31 visible, infrared, or ultraviolet light, as described in subdivision
32 (e) of Section 22702 of the Business and Professions Code.

33 *SEC. 16. Section 115085 of the Health and Safety Code is*
34 *amended to read:*

35 115085. The average inspection frequency for ionizing radiation
36 machines shall be once each year for mammography X-ray units
37 and nonionizing radiation devices, once every three years for
38 high-priority sources of ionizing radiation, and once every four
39 and one-quarter years for medium-priority sources. Sources of
40 ionizing radiation used in dentistry shall be screened for defects

1 by mail or other offsite methodology not less frequently than once
2 every five years, with physical inspection of the 50 percent,
3 determined by the department to be most in need of inspection, to
4 average at least once every six years.

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

14 ~~SECTION 1. Section 18870 of the Business and Professions~~
15 ~~Code is amended to read:~~

16 ~~18870. Any person or promoter to whom this chapter applies~~
17 ~~who directly or indirectly holds, aids or abets, or attempts to hold,~~
18 ~~aid or abet the holding of, any contest, match, or exhibition without~~
19 ~~first having obtained a license or permit under this chapter, is guilty~~
20 ~~of a misdemeanor.~~