

1996

CHAPTER 19

An Act to amend *The Radiation Health and Safety Act, 1985* and
to make related amendments to *The Occupational Health
and Safety Act, 1993*

(Assented to April 30, 1996)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Radiation Health and Safety Amendment Act, 1996*.

S.S. 1984-85-86, c.R-1.1 amended

2 *The Radiation Health and Safety Act, 1985* is amended in the manner set forth in this Act.

Section 2 amended

3 Section 2 is amended:

(a) by repealing clause (g); and

(b) by repealing clause (l) and substituting the following:

“(l) ‘**occupational worker**’ means a person who, in the course of the person's duties, business, professional activities, studies or training:

(i) is exposed to radiation; and

(ii) where exposure limits, exposure levels or dose limits are specified for members of the public, might receive radiation exposure in excess of those limits or levels”.

Section 5 amended

4 Subclause 5(2)(b)(ii) is repealed and the following substituted:

“(ii) no person in the vicinity of that equipment or apparatus will be exposed to ionizing radiation from it that exceeds the dose limits prescribed in the regulations”.

New section 6**5 Section 6 is repealed and the following substituted:****“Qualifications for management, control or operation**

6(1) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings unless the person:

(a) is qualified pursuant to an Act to provide persons with care and treatment by means of ionizing radiation equipment; or

(b) employs an individual who meets the requirements of clause (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment.

(2) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings shall ensure that each operator is:

(a) a duly qualified medical practitioner with specialized training in radiography;

(b) a chiropractor who is registered pursuant to *The Chiropractic Act, 1994*;

(c) a dentist, certified dental assistant or dental hygienist who is licensed pursuant to *The Dental Profession Act, 1978*;

(d) a dental therapist who is licensed pursuant to *The Dental Therapists Act*;

(e) a medical radiation technologist who is registered pursuant to *The Medical Radiation Technologists Act*;

(f) subject to subsection (3), an X-ray technician who possesses the qualifications necessary to become a registered certified active member in good standing of the Saskatchewan Association of Combined Laboratory and X-ray Technicians;

(g) a student who is under the direct supervision of a person who possesses the qualifications set out in clause (a), (b), (c), (d), (e) or (f); or

(h) a person who:

(i) is trained to carry out the procedures for which the equipment is to be used; and

(ii) demonstrates to the satisfaction of an officer that he or she possesses adequate knowledge of the equipment, the biological effects associated with the equipment's use and the necessary safety procedures.

(3) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to human beings shall ensure that operators described in clause (2)(f) perform only examinations for which they have been formally trained.

(4) No person shall manage or control an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals unless the person:

(a) is entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*; or

(b) employs an individual who meets the requirements of clause (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment.

(5) An owner of an ionizing radiation installation or any ionizing radiation equipment used for diagnosis or treatment relating to animals shall ensure that each operator is:

(a) a veterinarian entitled to practise veterinary medicine by reason of being registered pursuant to *The Veterinarians Act, 1987*;

(b) an animal health technician registered pursuant to clause 2(b) of *The Veterinarians Act, 1987*; or

(c) a student under the direct supervision of a person who possesses the qualifications set out in clause (a) or (b).

(6) No person shall manage or control an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to human beings or animals unless:

(a) the person:

(i) understands the procedures for which the equipment is to be used; and

(ii) possesses the knowledge necessary to adequately manage or control the ionizing radiation installation or ionizing radiation equipment and knowledge of the necessary safety procedures; or

(b) employs an individual who meets the requirements of clause (a) to attend to the operation of the ionizing radiation installation or ionizing radiation equipment.

(7) An owner of an ionizing radiation installation or ionizing radiation equipment that is used for a purpose other than diagnosis or treatment relating to human beings or animals shall ensure that each operator:

(a) possesses any qualifications or meets any requirements that are set out in the regulations; and

(b) is adequately supervised by a person who meets the requirements of clause (6)(a) or (b).

(8) No person shall operate an ionizing radiation installation or any ionizing radiation equipment unless the person possesses the qualifications set out in subsection (2), (5) or (7)".

Section 10 amended

6 Section 10 is amended by striking out "he meets any qualifications" and substituting "the person possesses the qualifications or meets the requirements".

Section 17 amended

7 Clause 17(b) is repealed and the following substituted:

“(b) furnish special services, including instrument calibrations and leak testing of sealed radioactive sources”.

Section 18 amended**8(1) Clause 18(1)(e) is repealed and the following substituted:**

“(e) a medical radiation technologist nominated by the Saskatchewan Association of Medical Radiation Technologists”.

(2) Clause 18(2)(g) is amended by striking out “maximum permissible dose or other exposure limit” and substituting “dose limit or other exposure limit or exposure level”.

New section 18.1**9 The following section is added after section 18:****“Codes of practice**

18.1(1) After any consultation with the committee and interested persons that the minister considers necessary, the minister may:

- (a) approve and issue any code of practice that, in the opinion of the minister, is suitable for the purpose of providing practical guidance with respect to the requirements of any provision of this Act or the regulations; and
- (b) amend or repeal any code of practice issued pursuant to clause (a).

(2) The minister shall publish in the Gazette a notice with respect to each code of practice that is issued, amended or repealed that:

- (a) identifies the code;
- (b) specifies the provisions of this Act or the regulations to which the code relates; and
- (c) states the effective date of the issuance, the amendment or the repeal.

(3) Failure to observe a provision of a code of practice is not of itself an offence.

(4) A code of practice issued pursuant to this section with respect to any provision of this Act or the regulations is admissible as evidence in a prosecution for a contravention of that provision.

(5) A copy of a code of practice or an amendment to a code of practice, certified to be a true copy by the minister, shall be received in evidence in any court without proof of the signature, appointment or authority of the minister”.

Section 20 amended**10 Section 20 is amended:**

- (a) **in clause (a) by adding “or expression” after “word”;**
- (b) **by repealing clause (d) and substituting the following:**

“(d) prescribing and governing standards to be maintained to protect the reproductive health of any category of persons, including the conditions under which persons of reproductive age may be occupational workers”;

(c) by adding “and governing” after “prescribing”:

(i) in clause (e);

(ii) in clause (f); and

(iii) in clause (g);

(d) by repealing clause (h) and substituting the following:

“(h) requiring the development and implementation of procedures manuals with respect to any radiation equipment or radiation installation”;

(e) in clause (j) by striking out “to the public”;

(f) by repealing clauses (l) to (n) and substituting the following:

“(l) establishing categories of occupational workers and other persons;

“(m) prescribing and governing exposure rates and dose limits for ionizing radiation to which any person or category of persons may be exposed;

“(n) providing for the monitoring and control of the exposure to or dose of radiation received by any person or category of persons”;

(g) by repealing clause (p) and substituting the following:

“(p) prescribing and governing exposure limits and exposure levels for any form of non-ionizing radiation to which any person or category of persons may be exposed;

“(p.1) with respect to any matter regulated pursuant to this Act:

(i) adopting, as amended from time to time or otherwise, all or any part of any relevant code or standard;

(ii) amending for the purposes of this Act or the regulations a code or standard adopted pursuant to subclause (i);

(iii) requiring compliance with a code or standard adopted pursuant to subclause (i)”; **and**

(h) in clause (q) by adding “, prescribing the periods during which records are to be kept” after “vendors”.

RELATED AMENDMENTS

S.S. 1993, c.O-1.1, section 27 amended

11 Section 27 of *The Occupational Health and Safety Act, 1993* is amended:

(a) by adding the following subclause after subclause (a)(i):

“(i.1) *The Radiation Health and Safety Act, 1985* or the regulations made pursuant to that Act”;

(b) by repealing clause (b) and substituting the following:

“(b) seeks or has sought the enforcement of:

(i) this Act or the regulations; or

(ii) *The Radiation Health and Safety Act, 1985* or the regulations made pursuant to that Act”;

(c) by repealing clause (g) and substituting the following:

“(g) is about to testify or has testified in any proceeding or inquiry pursuant to:

(i) this Act or the regulations; or

(ii) *The Radiation Health and Safety Act, 1985* or the regulations made pursuant to that Act”;

(d) by adding the following clause after clause (h):

“(h.1) gives or has given information to an officer within the meaning of *The Radiation Health and Safety Act, 1985* or to any other person responsible for the administration of that Act or the regulations made pursuant to that Act”;

(e) by adding the following clause after clause (i):

“(j) has been prevented from working because an order has been served pursuant to *The Radiation Health and Safety Act, 1985* or the regulations made pursuant to that Act on an owner, vendor or operator within the meaning of that Act”.

Coming into force

12 This Act comes into force on proclamation.