

SENATE BILL NO. 440

May 12, 2021, Introduced by Senators BRINKS, THEIS, LASATA, MACDONALD, BIZON, JOHNSON, MCBROOM, GEISS and VANDERWALL and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 22224b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 22224b. (1) A person may provide positron emission
2 tomography scanner services without obtaining a certificate of need
3 under this part if all of the following requirements are met:

4 (a) The scanner services are provided by 1 or more of the
5 following fixed scanners:

6 (i) A whole-body positron emission tomography scanner with a

1 long axial field-of-view of greater than 130 centimeters.

2 (ii) A digital positron emission tomography and computerized
3 tomography hybrid scanner.

4 (iii) A positron emission tomography and magnetic resonance
5 imager hybrid.

6 (b) The scanner described in subdivision (a) is located in a
7 facility that is immediately adjacent to or in the same facility as
8 a radiopharmacy that meets all of the following requirements:

9 (i) Is equipped with a qualified fixed cyclotron.

10 (ii) Provides cyclotron-produced radiopharmaceuticals for use
11 in diagnostic and medical applications to an appropriately equipped
12 clinical facility.

13 (iii) Is licensed under part 177.

14 (c) Finished radiopharmaceuticals are able to be transported
15 from the radiopharmacy described in subdivision (b) to the scanner
16 described in subdivision (a) in less than 5 minutes.

17 (2) As used in this section, "qualified fixed cyclotron" means
18 a particle accelerator with a spiral beam path that is held in
19 place by an electromagnetic field perpendicular to the spiral beam
20 path that meets all of the following:

21 (a) Is capable of producing a proton beam of no fewer than 14
22 mega-electron volts on target.

23 (b) Has installed targets providing no fewer than 3 distinct
24 positron-emitting isotopes.

25 (c) No fewer than 1 target installed must produce an isotope
26 with a half-life of not more than 20 minutes.