

**Erica Pan, MD, MPH**  
Director and State Public Health Officer

**Gavin Newsom**  
Governor

**30 DAY RESPONSE TO PETITIONER  
P-25-03 – MRI Safety Regs Petition**

November 04, 2025

*VIA ELECTRONIC MAIL*

Attn: Mr. Tobias Gilk  
Radiology / MRI Consultant  
MRIPatientSafety.com  
tgilk@MRIpatientsafety.com

**RE: Response to Petition Definitions of Radiological Services – MRI**

Dear Tobias Gilk:

On October 14, 2025, the California Department of Public Health (CDPH) received your petition for rulemaking under Government Code section 11340.6. Pursuant to Government Code section 11340.7, CDPH denies this petition because CDPH does not have authority to promulgate the requested regulations. The bases for denial are set forth below.

The petition proposes to amend 22 CCR § 70251 to expressly include Magnetic Resonance (MR) and Magnetic Resonance Imaging (MRI) among the radiologic services recognized under California hospital licensing regulations. The petition also proposes to add a new section (§ 70251.1) establishing minimum point-of-care safety standards applicable to all radiologic service modalities that may present safety risks to patients, healthcare workers, or the public.

The Radiation Control Law (RCL) effectuates the State policy to protect the public health and safety by instituting and maintaining a regulatory program for sources of ionizing radiation. (HSC 114965 & 114970.) MRI do not use ionizing radiation. Instead, MRIs use a combination of powerful magnetic fields and radiofrequency waves to create images. Because the RCL's purpose (HSC 114970) is specific to ionizing radiation and MRI does not use ionizing radiation, regulation of MRI is outside the authority of the RCL.

The Radiologic Technology Act (RT Act) effectuates the State policy to protect the people of this state from excessive and improper exposure to ionizing radiation. (HSC

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114840.) Because the RT Act's purpose (HSC 114840) is specific to ionizing radiation whereas magnetic resonance imaging (MRI) does not use ionizing radiation, regulation of MRI is outside the authority of the RT Act.

This determination does not in any way affect the merits of your petition nor concerns regarding how MRI machines impact public health. You may consider contacting your representatives in the California Legislature to address this issue further.

Under Government Code section 11340.7, subdivision (d), any interested person has the right to obtain a copy of the petition submitted to the agency. A copy of the petition and this letter will be posted on the CDPH Office of Regulations website at the following:

[https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions\\_for\\_Regulatory\\_Action.aspx](https://www.cdph.ca.gov/Programs/OLS/Pages/Petitions_for_Regulatory_Action.aspx)

In addition, interested persons may request a copy by contacting the Office of Regulations by email: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov), by phone: (916) 558-1710, or by mail: California Department of Public Health, 1415 L Street, Suite 500, Sacramento, CA 95814.

If you have any questions, please reach me at [Keith.VanWagner@cdph.ca.gov](mailto:Keith.VanWagner@cdph.ca.gov). Thank you.

Sincerely,

Keith Van Wagner  
Assistant Chief Counsel  
Office of Legal Services