

SENATE BILL 437

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1998 Regular Session
8lr2144
CF HB 325

By: **Senator Hollinger**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Industrial Hygienists - Title Protection**

3 FOR the purpose of prohibiting an individual from representing that the individual is
4 an industrial hygienist, a certified industrial hygienist, or industrial hygienist
5 in training unless the individual meets certain qualifications; prohibiting a
6 business entity from identifying, representing, or advertising itself as a provider
7 of industrial hygiene services or a provider of industrial hygiene services
8 furnished by certified industrial hygienists or industrial hygienists in training
9 unless the business entity meets certain qualifications; establishing certain
10 penalties; defining certain terms; specifying legislative intent; and generally
11 relating to certain qualifications for individuals and business entities using
12 certain titles or making certain representations relating to the provision of
13 industrial hygiene services.

14 BY adding to

15 Article - Business Regulation

16 The new subtitle designation "Subtitle 1. Tourism Services" to immediately
17 precede Section 19-101; and Section 19-201 through 19-206 to be under
18 the new subtitle "Subtitle 2. Industrial Hygienists"

19 Annotated Code of Maryland

20 (1992 Volume and 1997 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the subtitle designation "Subtitle 1. Tourism Services" be added to
23 immediately precede Section 19-101 of Article - Business Regulation of the
24 Annotated Code of Maryland.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
26 read as follows:

1 **Article - Business Regulation**2 **SUBTITLE 2. INDUSTRIAL HYGIENISTS.**

3 19-201.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (B) "AMERICAN BOARD OF INDUSTRIAL HYGIENE" MEANS A NONPROFIT
7 CORPORATION INCORPORATED IN 1960 IN PENNSYLVANIA TO IMPROVE THE
8 PRACTICE OF THE PROFESSION OF INDUSTRIAL HYGIENE BY CERTIFYING
9 INDIVIDUALS WHO MEET ITS EDUCATION AND EXPERIENCE STANDARDS AND PASS
10 ITS EXAMINATION.11 (C) "INDUSTRIAL HYGIENE" MEANS THE APPLIED SCIENCE DEVOTED TO THE
12 ANTICIPATION, RECOGNITION, EVALUATION, AND CONTROL OF ENVIRONMENTAL
13 FACTORS, STRESSORS, PHYSICAL HAZARDS, AND CHEMICAL EXPOSURES
14 ASSOCIATED WITH WORK AND WORK OPERATIONS THAT MAY CAUSE SICKNESS,
15 IMPAIRED HEALTH AND WELL-BEING, OR SIGNIFICANT DISCOMFORT AMONG
16 WORKERS AND THE MEMBERS OF THE PUBLIC.17 (D) "INDUSTRIAL HYGIENIST" MEANS A PERSON WHO PRACTICES INDUSTRIAL
18 HYGIENE.

19 19-202.

20 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE LEGAL
21 RECOGNITION TO THE PROFESSIONAL PRACTICE OF INDUSTRIAL HYGIENE FOR THE
22 PURPOSE OF ASSURING GOVERNMENT, BUSINESSES, AND THE PUBLIC THAT ONLY:23 (1) INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § 19-204(A) OF
24 THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS INDUSTRIAL
25 HYGIENISTS;26 (2) INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § 19-204(B) OF
27 THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS CERTIFIED
28 INDUSTRIAL HYGIENISTS;29 (3) INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § 19-204(C) OF
30 THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS INDUSTRIAL
31 HYGIENISTS IN TRAINING; AND32 (4) BUSINESS ENTITIES THAT MEET THE QUALIFICATIONS OF § 19-205
33 OF THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS
34 PROVIDERS OF SERVICES BY INDIVIDUALS WHO ARE INDUSTRIAL HYGIENISTS,
35 CERTIFIED INDUSTRIAL HYGIENISTS, OR INDUSTRIAL HYGIENISTS IN TRAINING.

1 19-203.

2 THIS SUBTITLE DOES NOT APPLY TO:

3 (1) AN INDIVIDUAL WHO DOES NOT IDENTIFY, ADVERTISE, OR
4 REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT THE INDIVIDUAL IS AN
5 INDUSTRIAL HYGIENIST, A CERTIFIED INDUSTRIAL HYGIENIST, OR AN INDUSTRIAL
6 HYGIENIST IN TRAINING; OR

7 (2) A BUSINESS ENTITY THAT DOES NOT IDENTIFY, ADVERTISE, OR
8 REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT IT OR ITS AGENTS OR
9 EMPLOYEES ARE INDUSTRIAL HYGIENISTS, CERTIFIED INDUSTRIAL HYGIENISTS, OR
10 INDUSTRIAL HYGIENISTS IN TRAINING.

11 19-204.

12 (A) (1) AN INDIVIDUAL MAY NOT USE THE TITLE "INDUSTRIAL HYGIENIST",
13 THE INITIALS "IH" OR "I.H.", OR ANY VARIATION OF THOSE TERMS TO IDENTIFY,
14 ADVERTISE, OR REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT THE
15 INDIVIDUAL IS AN INDUSTRIAL HYGIENIST, UNLESS THE INDIVIDUAL HAS ACQUIRED
16 COMPETENCE IN INDUSTRIAL HYGIENE, THROUGH SPECIAL STUDIES AND TRAINING
17 IN CHEMISTRY, PHYSICS, BIOLOGY, AND RELATED SCIENCES.

18 (2) THROUGH THE SPECIAL STUDIES AND TRAINING DESCRIBED IN
19 PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL MUST HAVE OBTAINED
20 COMPETENCE IN THE:

21 (I) ANTICIPATION AND RECOGNITION OF ENVIRONMENTAL
22 FACTORS AND STRESSORS TO WHICH WORKERS AND OTHER MEMBERS OF THE
23 PUBLIC COULD BE EXPOSED;

24 (II) ASSESSMENT OF THE LIKELY EFFECTS ON THE HEALTH AND
25 WELL-BEING OF ANY WORKERS AND OTHER MEMBERS OF THE PUBLIC EXPOSED TO
26 ENVIRONMENTAL CONTAMINANTS AND STRESSORS;

27 (III) QUANTIFICATION OF LEVELS OF HUMAN EXPOSURE TO
28 ENVIRONMENTAL CONTAMINANTS AND STRESSORS THROUGH SCIENTIFIC
29 MEASUREMENT; AND

30 (IV) DESIGNATION OF METHODS TO ELIMINATE OR CONTROL
31 THESE ENVIRONMENTAL CONTAMINANTS AND STRESSORS TO REDUCE LEVELS OF
32 EXPOSURE TO WORKERS AND OTHER MEMBERS OF THE PUBLIC.

33 (B) AN INDIVIDUAL MAY NOT USE THE TITLE "CERTIFIED INDUSTRIAL
34 HYGIENIST", THE INITIALS "CIH" OR "C.I.H.", OR ANY VARIATION OF THOSE TERMS TO
35 IDENTIFY, ADVERTISE, OR REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT
36 THE INDIVIDUAL IS A CERTIFIED INDUSTRIAL HYGIENIST, UNLESS:

37 (1) THE INDIVIDUAL IS DESIGNATED AS A CERTIFIED INDUSTRIAL
38 HYGIENIST (CIH) BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER

1 ORGANIZATION THAT MAINTAINS CERTIFICATION STANDARDS AND A CODE OF
2 ETHICS THAT ARE EQUIVALENT TO THAT OF THE AMERICAN BOARD OF INDUSTRIAL
3 HYGIENE; AND

4 (2) THE CERTIFICATION HAS NOT LAPSED OR BEEN REVOKED.

5 (C) AN INDIVIDUAL MAY NOT USE THE TITLE "INDUSTRIAL HYGIENIST IN
6 TRAINING", THE INITIALS "IHIT", OR "I.H.I.T.", OR ANY VARIATION OF THOSE TERMS,
7 TO IDENTIFY, ADVERTISE, OR REPRESENT THAT THE INDIVIDUAL IS AN INDUSTRIAL
8 HYGIENIST IN TRAINING, UNLESS:

9 (1) THE INDIVIDUAL IS DESIGNATED AS AN INDUSTRIAL HYGIENIST IN
10 TRAINING BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER
11 ORGANIZATION THAT MAINTAINS CERTIFICATION STANDARDS AND A CODE OF
12 ETHICS THAT ARE AT LEAST EQUIVALENT TO THAT OF THE AMERICAN BOARD OF
13 INDUSTRIAL HYGIENE; AND

14 (2) THE DESIGNATION HAS NOT LAPSED OR BEEN REVOKED.

15 19-205.

16 (A) A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT
17 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES UNLESS THE
18 INDUSTRIAL HYGIENE SERVICES ARE PROVIDED BY OR UNDER THE DIRECT
19 SUPERVISION OF AN INDIVIDUAL WHO IS QUALIFIED UNDER § 19-204(A) OF THIS
20 SUBTITLE TO USE THE TITLE "INDUSTRIAL HYGIENIST".

21 (B) A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT
22 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES FURNISHED BY
23 CERTIFIED INDUSTRIAL HYGIENISTS UNLESS THE INDUSTRIAL HYGIENE SERVICES
24 ARE PROVIDED BY OR UNDER THE DIRECT SUPERVISION OF AN INDIVIDUAL WHO IS
25 QUALIFIED UNDER § 19-204(B) OF THIS SUBTITLE TO USE THE TITLE "CERTIFIED
26 INDUSTRIAL HYGIENIST".

27 (C) A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT
28 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES FURNISHED BY
29 INDUSTRIAL HYGIENISTS IN TRAINING UNLESS THE INDUSTRIAL HYGIENE
30 SERVICES ARE PROVIDED BY INDIVIDUALS WHO ARE QUALIFIED UNDER § 9-204(C) OF
31 THIS SUBTITLE TO USE THE TITLE "INDUSTRIAL HYGIENIST IN TRAINING".

32 19-206.

33 A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND
34 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1998.