

SENATE BILL 437

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C2

1998 Regular Session  
8lr2144  
CF HB 325

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By: **Senator Hollinger**  
Introduced and read first time: February 6, 1998  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 24, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Business Regulation - Industrial Hygienists - Title Protection Hygiene**  
3 **Services**

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

15 BY adding to  
16 Article - Business Regulation  
17 The new subtitle designation "Subtitle 1. Tourism Services" to immediately  
18 precede Section 19-101; and Section 19-201 through 19-206 to be under  
19 the new subtitle "Subtitle 2. Industrial ~~Hygienists~~ Hygiene Services"  
20 Annotated Code of Maryland  
21 (1992 Volume and 1997 Supplement)

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

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

3 **Article - Business Regulation**

4 SUBTITLE 2. INDUSTRIAL ~~HYGIENISTS~~ HYGIENE SERVICES.

5 19-201.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (B) "AMERICAN BOARD OF INDUSTRIAL HYGIENE" MEANS A NONPROFIT  
9 CORPORATION INCORPORATED IN 1960 IN PENNSYLVANIA TO IMPROVE THE  
10 PRACTICE OF THE PROFESSION OF INDUSTRIAL HYGIENE BY CERTIFYING  
11 INDIVIDUALS WHO MEET ITS EDUCATION AND EXPERIENCE STANDARDS AND PASS  
12 ITS EXAMINATION.

13 (C) "CERTIFIED INDUSTRIAL HYGIENIST" MEANS AN INDIVIDUAL WHO USES  
14 THE TITLE "CERTIFIED INDUSTRIAL HYGIENIST" IN ACCORDANCE WITH THE  
15 PROVISIONS OF § 19-204(A) OF THIS SUBTITLE.

16 ~~(C)~~ (D) "INDUSTRIAL HYGIENE SERVICES" MEANS THE APPLIED SCIENCE  
17 AND PRACTICE DEVOTED TO THE ANTICIPATION, RECOGNITION, EVALUATION, AND  
18 CONTROL OF ENVIRONMENTAL FACTORS, STRESSORS, PHYSICAL HAZARDS, AND  
19 CHEMICAL EXPOSURES ASSOCIATED WITH WORK AND WORK OPERATIONS THAT MAY  
20 CAUSE SICKNESS, IMPAIRED HEALTH AND WELL-BEING, OR SIGNIFICANT  
21 DISCOMFORT AMONG WORKERS AND THE MEMBERS OF THE PUBLIC.

22 ~~(D)~~ (E) "INDUSTRIAL HYGIENIST IN TRAINING" MEANS ~~A PERSON WHO~~  
23 ~~PRACTICES INDUSTRIAL HYGIENE~~ AN INDIVIDUAL WHO USES THE TITLE  
24 "INDUSTRIAL HYGIENIST IN TRAINING" IN ACCORDANCE WITH THE PROVISIONS OF §  
25 19-204(B) OF THIS SUBTITLE.

26 19-202.

27 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE LEGAL  
28 RECOGNITION TO THE PROFESSIONAL ~~PRACTICE~~ DELIVERY OF INDUSTRIAL  
29 HYGIENE SERVICES FOR THE PURPOSE OF ASSURING GOVERNMENT, ~~BUSINESSES~~  
30 PRIVATE ENTITIES, AND THE PUBLIC THAT ONLY:

31 ~~(1)~~ ~~INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § 19-204(A) OF~~  
32 ~~THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS INDUSTRIAL~~  
33 ~~HYGIENISTS;~~

34 ~~(2)~~ (1) INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § ~~19-204(B)~~  
35 19-204(A) OF THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS  
36 CERTIFIED INDUSTRIAL HYGIENISTS;

1           ~~(3)~~    (2)    INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § ~~19-204(C)~~  
2 19-204(B) OF THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS  
3 INDUSTRIAL HYGIENISTS IN TRAINING; AND

4           ~~(4)~~    (3)    BUSINESS ENTITIES THAT MEET THE QUALIFICATIONS OF §  
5 19-205 OF THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS  
6 PROVIDERS OF SERVICES BY INDIVIDUALS WHO ARE ~~INDUSTRIAL HYGIENISTS,~~  
7 CERTIFIED INDUSTRIAL HYGIENISTS, OR INDUSTRIAL HYGIENISTS IN TRAINING.

8 19-203.

9       THIS SUBTITLE DOES NOT APPLY TO:

10           (1)     AN INDIVIDUAL WHO DOES NOT IDENTIFY, ADVERTISE, OR  
11 REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT THE INDIVIDUAL IS AN  
12 ~~INDUSTRIAL HYGIENIST,~~ A CERTIFIED INDUSTRIAL HYGIENIST, OR AN INDUSTRIAL  
13 HYGIENIST IN TRAINING; OR

14           (2)     A BUSINESS ENTITY THAT DOES NOT IDENTIFY, ADVERTISE, OR  
15 REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT IT OR ITS AGENTS OR  
16 EMPLOYEES ARE ~~INDUSTRIAL HYGIENISTS,~~ CERTIFIED INDUSTRIAL HYGIENISTS, OR  
17 INDUSTRIAL HYGIENISTS IN TRAINING.

18 19-204.

19       (A)    (1)     ~~AN INDIVIDUAL MAY NOT USE THE TITLE "INDUSTRIAL HYGIENIST",~~  
20 ~~THE INITIALS "IH" OR "I.H.", OR ANY VARIATION OF THOSE TERMS TO IDENTIFY,~~  
21 ~~ADVERTISE, OR REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT THE~~  
22 ~~INDIVIDUAL IS AN INDUSTRIAL HYGIENIST, UNLESS THE INDIVIDUAL HAS ACQUIRED~~  
23 ~~COMPETENCE IN INDUSTRIAL HYGIENE, THROUGH SPECIAL STUDIES AND TRAINING~~  
24 ~~IN CHEMISTRY, PHYSICS, BIOLOGY, AND RELATED SCIENCES.~~

25           ~~(2)     THROUGH THE SPECIAL STUDIES AND TRAINING DESCRIBED IN~~  
26 ~~PARAGRAPH (1) OF THIS SUBSECTION, THE INDIVIDUAL MUST HAVE OBTAINED~~  
27 ~~COMPETENCE IN THE:~~

28                   ~~(I)     ANTICIPATION AND RECOGNITION OF ENVIRONMENTAL~~  
29 ~~FACTORS AND STRESSORS TO WHICH WORKERS AND OTHER MEMBERS OF THE~~  
30 ~~PUBLIC COULD BE EXPOSED;~~

31                   ~~(II)    ASSESSMENT OF THE LIKELY EFFECTS ON THE HEALTH AND~~  
32 ~~WELL BEING OF ANY WORKERS AND OTHER MEMBERS OF THE PUBLIC EXPOSED TO~~  
33 ~~ENVIRONMENTAL CONTAMINANTS AND STRESSORS;~~

34                   ~~(III)   QUANTIFICATION OF LEVELS OF HUMAN EXPOSURE TO~~  
35 ~~ENVIRONMENTAL CONTAMINANTS AND STRESSORS THROUGH SCIENTIFIC~~  
36 ~~MEASUREMENT; AND~~

1 ~~(IV) DESIGNATION OF METHODS TO ELIMINATE OR CONTROL~~  
2 ~~THESE ENVIRONMENTAL CONTAMINANTS AND STRESSORS TO REDUCE LEVELS OF~~  
3 ~~EXPOSURE TO WORKERS AND OTHER MEMBERS OF THE PUBLIC.~~

4 ~~(B)~~ (A) AN INDIVIDUAL MAY NOT USE THE TITLE "CERTIFIED INDUSTRIAL  
5 HYGIENIST", THE INITIALS "CIH" OR "C.I.H.", OR ANY VARIATION OF THOSE TERMS TO  
6 IDENTIFY, ADVERTISE, OR REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT  
7 THE INDIVIDUAL ~~IS PROVIDES INDUSTRIAL HYGIENE SERVICES AS A CERTIFIED~~  
8 INDUSTRIAL HYGIENIST, UNLESS:

9 (1) THE INDIVIDUAL IS DESIGNATED AS A CERTIFIED INDUSTRIAL  
10 HYGIENIST (CIH) BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER  
11 ORGANIZATION THAT MAINTAINS CERTIFICATION ~~STANDARDS~~ ELIGIBILITY,  
12 EXAMINATION REQUIREMENTS, AND A CODE OF ETHICS THAT ARE AT LEAST  
13 EQUIVALENT TO THAT OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE; AND

14 (2) ~~THE CERTIFICATION~~ CERTIFIED INDUSTRIAL HYGIENIST  
15 DESIGNATION HAS NOT LAPSED OR BEEN REVOKED.

16 ~~(C)~~ (B) AN INDIVIDUAL MAY NOT USE THE TITLE "INDUSTRIAL HYGIENIST  
17 IN TRAINING", THE INITIALS "IHIT", OR "I.H.I.T.", OR ANY VARIATION OF THOSE  
18 TERMS, TO IDENTIFY, ADVERTISE, OR REPRESENT THAT THE INDIVIDUAL ~~IS~~  
19 PROVIDES INDUSTRIAL HYGIENE SERVICES AS AN INDUSTRIAL HYGIENIST IN  
20 TRAINING, UNLESS:

21 (1) THE INDIVIDUAL IS DESIGNATED AS AN INDUSTRIAL HYGIENIST IN  
22 TRAINING BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER  
23 ORGANIZATION THAT MAINTAINS CERTIFICATION ~~STANDARDS~~ ELIGIBILITY,  
24 EXAMINATION REQUIREMENTS, AND A CODE OF ETHICS THAT ARE AT LEAST  
25 EQUIVALENT TO THAT OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE; AND

26 (2) THE INDUSTRIAL HYGIENIST IN TRAINING DESIGNATION HAS NOT  
27 LAPSED OR BEEN REVOKED.

28 19-205.

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

34 ~~(B)~~ (A) A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT  
35 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES FURNISHED BY  
36 CERTIFIED INDUSTRIAL HYGIENISTS UNLESS THE INDUSTRIAL HYGIENE SERVICES  
37 ARE PROVIDED BY OR UNDER THE DIRECT SUPERVISION OF AN INDIVIDUAL WHO IS  
38 QUALIFIED UNDER § ~~19-204(B)~~ 19-204(A) OF THIS SUBTITLE TO USE THE TITLE  
39 "CERTIFIED INDUSTRIAL HYGIENIST".

1     ~~(C)~~     (B)     A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT  
2 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES FURNISHED BY  
3 INDUSTRIAL HYGIENISTS IN TRAINING UNLESS THE INDUSTRIAL HYGIENE  
4 SERVICES ARE PROVIDED BY INDIVIDUALS WHO ARE QUALIFIED UNDER § ~~9-204(C)~~  
5 19-204(B) OF THIS SUBTITLE TO USE THE TITLE "INDUSTRIAL HYGIENIST IN  
6 TRAINING".

7 19-206.

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

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