

SENATE BILL 338

Unofficial Copy  
C2  
SB 437/98 - EEA

1999 Regular Session  
9r1798  
CF 9r1317

---

By: **Senators Dyson and Hollinger**  
Introduced and read first time: February 5, 1999  
Assigned to: Economic and Environmental Affairs

---

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation - Industrial Hygiene Services**

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

13 BY adding to  
14 Article - Business Regulation  
15 The new subtitle designation "Subtitle 1. Tourism Services" to immediately  
16 precede Section 19-101; and 19-301 through 19-306, inclusive, to be under  
17 the new subtitle "Subtitle 3. Industrial Hygiene Services"  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume)

20 BY renumbering  
21 Article - Business Regulation  
22 Section 19-102  
23 to be Section 19-201 to be under the new subtitle "Subtitle 2. Sale by Common  
24 Carrier of Freight and Baggage"  
25 Annotated Code of Maryland  
26 (1998 Replacement Volume)

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 19-102 of  
2 Article - Business Regulation of the Annotated Code of Maryland be renumbered to  
3 be Section(s) 19-201 to be under the new subtitle "Subtitle 2. Sale by Common  
4 Carrier of Freight and Baggage".

5 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
6 read as follows:

7 **Article - Business Regulation**

8 **SUBTITLE 3. INDUSTRIAL HYGIENE SERVICES.**

9 19-301.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

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

17 (C) "CERTIFIED INDUSTRIAL HYGIENIST" MEANS AN INDIVIDUAL WHO USES  
18 THE TITLE "CERTIFIED INDUSTRIAL HYGIENIST" IN ACCORDANCE WITH THE  
19 PROVISIONS OF § 19-304(A) OF THIS SUBTITLE.

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

26 (E) "INDUSTRIAL HYGIENIST IN TRAINING" MEANS AN INDIVIDUAL WHO USES  
27 THE TITLE "INDUSTRIAL HYGIENIST IN TRAINING" IN ACCORDANCE WITH THE  
28 PROVISIONS OF § 19-304(B) OF THIS SUBTITLE.

29 19-302.

30 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE LEGAL  
31 RECOGNITION TO THE PROFESSIONAL DELIVERY OF INDUSTRIAL HYGIENE  
32 SERVICES FOR THE PURPOSE OF ASSURING GOVERNMENT, PRIVATE ENTITIES, AND  
33 THE PUBLIC THAT ONLY:

34 (1) INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § 19-304(A) OF  
35 THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS CERTIFIED  
36 INDUSTRIAL HYGIENISTS;

1 (2) INDIVIDUALS WHO MEET THE QUALIFICATIONS OF § 19-304(B) OF  
2 THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS INDUSTRIAL  
3 HYGIENISTS IN TRAINING; AND

4 (3) BUSINESS ENTITIES THAT MEET THE QUALIFICATIONS OF § 19-305  
5 OF THIS SUBTITLE IDENTIFY, ADVERTISE, OR REPRESENT THEMSELVES AS  
6 PROVIDERS OF SERVICES BY INDIVIDUALS WHO ARE CERTIFIED INDUSTRIAL  
7 HYGIENISTS OR INDUSTRIAL HYGIENISTS IN TRAINING.

8 19-303.

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 A  
12 CERTIFIED INDUSTRIAL HYGIENIST OR AN INDUSTRIAL HYGIENIST IN TRAINING; OR

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

17 19-304.

18 (A) AN INDIVIDUAL MAY NOT USE THE TITLE "CERTIFIED INDUSTRIAL  
19 HYGIENIST", THE INITIALS "CIH" OR "C.I.H.", OR ANY VARIATION OF THOSE TERMS TO  
20 IDENTIFY, ADVERTISE, OR REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT  
21 THE INDIVIDUAL PROVIDES INDUSTRIAL HYGIENE SERVICES AS A CERTIFIED  
22 INDUSTRIAL HYGIENIST, UNLESS:

23 (1) THE INDIVIDUAL IS DESIGNATED AS A CERTIFIED INDUSTRIAL  
24 HYGIENIST (CIH) BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER  
25 ORGANIZATION THAT MAINTAINS CERTIFICATION ELIGIBILITY, EXAMINATION  
26 REQUIREMENTS, AND A CODE OF ETHICS THAT ARE AT LEAST EQUIVALENT TO THAT  
27 OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE; AND

28 (2) THE CERTIFIED INDUSTRIAL HYGIENIST DESIGNATION HAS NOT  
29 LAPSED OR BEEN REVOKED.

30 (B) AN INDIVIDUAL MAY NOT USE THE TITLE "INDUSTRIAL HYGIENIST IN  
31 TRAINING", THE INITIALS "IHIT", OR "I.H.I.T.", OR ANY VARIATION OF THOSE TERMS,  
32 TO IDENTIFY, ADVERTISE, OR REPRESENT THAT THE INDIVIDUAL PROVIDES  
33 INDUSTRIAL HYGIENE SERVICES AS AN INDUSTRIAL HYGIENIST IN TRAINING,  
34 UNLESS:

35 (1) THE INDIVIDUAL IS DESIGNATED AS AN INDUSTRIAL HYGIENIST IN  
36 TRAINING BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER  
37 ORGANIZATION THAT MAINTAINS CERTIFICATION ELIGIBILITY, EXAMINATION  
38 REQUIREMENTS, AND A CODE OF ETHICS THAT ARE AT LEAST EQUIVALENT TO THAT  
39 OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE; AND

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

3 19-305.

4 (A) A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT  
5 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES FURNISHED BY  
6 CERTIFIED INDUSTRIAL HYGIENISTS UNLESS THE INDUSTRIAL HYGIENE SERVICES  
7 ARE PROVIDED BY OR UNDER THE DIRECT SUPERVISION OF AN INDIVIDUAL WHO IS  
8 QUALIFIED UNDER § 19-304(A) OF THIS SUBTITLE TO USE THE TITLE "CERTIFIED  
9 INDUSTRIAL HYGIENIST".

10 (B) A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT  
11 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES FURNISHED BY  
12 INDUSTRIAL HYGIENISTS IN TRAINING UNLESS THE INDUSTRIAL HYGIENE  
13 SERVICES ARE PROVIDED BY INDIVIDUALS WHO ARE QUALIFIED UNDER § 19-304(B)  
14 OF THIS SUBTITLE TO USE THE TITLE "INDUSTRIAL HYGIENIST IN TRAINING".

15 19-306.

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

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 1999.