

SENATE BILL 338

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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

Committee Report: Favorable
Senate action: Adopted
Read second time: March 9, 1999

CHAPTER _____

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

1 (1998 Replacement Volume)

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

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

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

12 **Article - Business Regulation**

13 **SUBTITLE 3. INDUSTRIAL HYGIENE SERVICES.**

14 19-301.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) "AMERICAN BOARD OF INDUSTRIAL HYGIENE" MEANS A NONPROFIT
18 CORPORATION INCORPORATED IN 1960 IN PENNSYLVANIA TO IMPROVE THE
19 PRACTICE OF THE PROFESSION OF INDUSTRIAL HYGIENE BY CERTIFYING
20 INDIVIDUALS WHO MEET ITS EDUCATION AND EXPERIENCE STANDARDS AND PASS
21 ITS EXAMINATION.

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

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

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

34 19-302.

35 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE LEGAL
36 RECOGNITION TO THE PROFESSIONAL DELIVERY OF INDUSTRIAL HYGIENE

1 SERVICES FOR THE PURPOSE OF ASSURING GOVERNMENT, PRIVATE ENTITIES, AND
2 THE PUBLIC THAT ONLY:

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

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

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

13 19-303.

14 THIS SUBTITLE DOES NOT APPLY TO:

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

18 (2) A BUSINESS ENTITY THAT DOES NOT IDENTIFY, ADVERTISE, OR
19 REPRESENT, BY ANY MEANS OF COMMUNICATION, THAT IT OR ITS AGENTS OR
20 EMPLOYEES ARE CERTIFIED INDUSTRIAL HYGIENISTS OR INDUSTRIAL HYGIENISTS
21 IN TRAINING.

22 19-304.

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

28 (1) THE INDIVIDUAL IS DESIGNATED AS A CERTIFIED INDUSTRIAL
29 HYGIENIST (CIH) BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER
30 ORGANIZATION THAT MAINTAINS CERTIFICATION ELIGIBILITY, EXAMINATION
31 REQUIREMENTS, AND A CODE OF ETHICS THAT ARE AT LEAST EQUIVALENT TO THAT
32 OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE; AND

33 (2) THE CERTIFIED INDUSTRIAL HYGIENIST DESIGNATION HAS NOT
34 LAPSED OR BEEN REVOKED.

35 (B) AN INDIVIDUAL MAY NOT USE THE TITLE "INDUSTRIAL HYGIENIST IN
36 TRAINING", THE INITIALS "IHIT", OR "I.H.I.T.", OR ANY VARIATION OF THOSE TERMS,
37 TO IDENTIFY, ADVERTISE, OR REPRESENT THAT THE INDIVIDUAL PROVIDES

1 INDUSTRIAL HYGIENE SERVICES AS AN INDUSTRIAL HYGIENIST IN TRAINING,
2 UNLESS:

3 (1) THE INDIVIDUAL IS DESIGNATED AS AN INDUSTRIAL HYGIENIST IN
4 TRAINING BY THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR ANOTHER
5 ORGANIZATION THAT MAINTAINS CERTIFICATION ELIGIBILITY, EXAMINATION
6 REQUIREMENTS, AND A CODE OF ETHICS THAT ARE AT LEAST EQUIVALENT TO THAT
7 OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE; AND

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

10 19-305.

11 (A) A BUSINESS ENTITY MAY NOT IDENTIFY, ADVERTISE, OR REPRESENT
12 ITSELF AS A PROVIDER OF INDUSTRIAL HYGIENE SERVICES FURNISHED BY
13 CERTIFIED INDUSTRIAL HYGIENISTS UNLESS THE INDUSTRIAL HYGIENE SERVICES
14 ARE PROVIDED BY OR UNDER THE DIRECT SUPERVISION OF AN INDIVIDUAL WHO IS
15 QUALIFIED UNDER § 19-304(A) OF THIS SUBTITLE TO USE THE TITLE "CERTIFIED
16 INDUSTRIAL HYGIENIST".

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

22 19-306.

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

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