

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 1379:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to provide title protection to specific titles within the profession of  
3 industrial hygiene; to prohibit uncertified persons from representing themselves to the public  
4 as certified industrial hygienists, certified associate industrial hygienists, certified  
5 construction health and safety technicians, or certified occupational health and safety  
6 technologists; to provide remedies and punishments for violations; to preempt local  
7 regulation; to provide that performing functions of industrial hygiene is not prohibited; to  
8 provide a short title; to provide a statement of legislative purpose; to define certain terms; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Industrial Hygiene Title Protection Act."

13 **SECTION 2.**

14 The purpose of this Act is to provide legal recognition to the profession of industrial hygiene  
15 as well as provide assurance to the public that individuals representing themselves as being  
16 involved in the profession of industrial hygiene have met minimum qualifications, thereby  
17 protecting public health and safety from harm.

18 **SECTION 3.**

19 Title 43 of the Official Code of Georgia Annotated, relating to profession and businesses, is  
20 amended by adding a new chapter to read as follows:

## "CHAPTER 21A

43-21A-1.

As used in this chapter, the term:

(1) 'Accredited college or university' means one that is accredited by a national accrediting body recognized by the Council on Higher Education Accreditation.

(2) 'American Board of Industrial Hygiene' means a nonprofit corporation established to improve the practice and educational standards of the profession of industrial hygiene by certifying individuals who meet its education, experience, examination and maintenance requirements.

(3) 'Certified associate industrial hygienist' means a person who has received the designation certified associate industrial hygienist by the American Board of Industrial Hygiene and whose certification has not lapsed or been revoked.

(4) 'Certified construction health and safety technician' means a person who by virtue of education, experience, and examination is certified by the Council on Certification of Health, Environmental, and Safety Technologists.

(5) 'Certified industrial hygienist' means a person who has received the designation certified industrial hygienist by the American Board of Industrial Hygiene or other national certifying organization recognized by the Council of Engineering and Scientific Specialty Boards and whose certification has not lapsed or been revoked.

(6) 'Certified occupational health and safety technologist' means a person who by virtue of special studies and training has acquired proficiency in one or more areas of occupational health and safety and is so recognized by the Council on Certification of Health, Environmental, and Safety Technologists.

(7) 'Education' means a baccalaureate or graduate degree from an accredited college or university in industrial hygiene, safety, biology, chemistry, engineering, physics, technology, or related degrees; mathematics; or the physical or biological sciences.

(8) 'Experience' means the individual has demonstrated professional level work experience including the ability to:

(A) Anticipate and recognize the environmental factors and stresses associated with work, work operations, and built environments and to understand their effects on people and people's well being, including but not limited to hazards and exposures to chemicals, mold, bacteria, physical stressors such as noise and light, and ergonomic stressors;

(B) Evaluate with the aid of qualitative and quantitative measurement techniques the magnitude of these factors and stresses in terms of their ability to impair human health and well being; and

1 (C) Prescribe methods, such as engineering controls, administrative controls, personal  
2 protective equipment, and training methods, to prevent, eliminate, control, or reduce  
3 such factors and stresses and their effects.

4 (9) 'Industrial hygiene' means that science and art devoted to the anticipation,  
5 recognition, evaluation, and control of those environmental factors and stresses arising  
6 in or from the workplace that may cause sickness, impaired health and well-being, or  
7 significant discomfort among workers and may also affect the general community.

8 (10) 'Industrial hygiene certification organization' means a nonprofit corporation  
9 established to improve the practice and educational standards of the profession of  
10 industrial hygiene by certifying individuals who meet its education, experience, and  
11 examination requirements, with criteria at least equivalent to that of the American Board  
12 of Industrial Hygiene.

13 43-21A-2.

14 (a) No person shall represent himself or herself as a certified industrial hygienist, certified  
15 associate industrial hygienist, certified construction health and safety technician, or  
16 certified occupational health and safety technologist unless he or she complies with the  
17 requirements of this chapter.

18 (b) It shall be an unfair or deceptive act or practice in the conduct of consumer transactions  
19 under paragraph (5) of subsection (b) of Code Section 10-1-393 for purposes of Part 2 of  
20 Article 15 of Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975,' for persons  
21 or other entities to represent themselves or advertise themselves as certified industrial  
22 hygienists, certified associate industrial hygienists, certified construction health and safety  
23 technicians, or certified occupational health and safety technologists unless they comply  
24 with the requirements of this chapter.

25 43-21A-3.

26 Any person who violates subsection (a) of Code Section 43-21A-2 shall be guilty of a  
27 misdemeanor and upon conviction shall be subject to a fine not exceeding \$1,000.00.

28 43-21A-4.

29 No entity of state or local government shall by rule or regulation, ordinance, or otherwise  
30 prohibit or restrict the practice of industrial hygiene by any qualified individual who  
31 complies with the provisions established by or pursuant to this chapter, except where  
32 authorized by general law to regulate a specific activity that may include the practice of  
33 industrial hygiene.

1 43-21A-5.

2 This chapter shall not prohibit any person from performing industrial hygiene functions as  
3 defined in this chapter so long as he or she does not falsely represent himself or herself to  
4 the public as being a certified industrial hygienist, certified associate industrial hygienist,  
5 certified construction health and safety technician, or certified occupational health and  
6 safety technologist without complying with the requirements of this chapter."

7 **SECTION 4.**

8 All laws and parts of laws in conflict with this Act are repealed.