

House Bill 353

By: Representatives Dodson of the 75<sup>th</sup>, Jamieson of the 28<sup>th</sup>, Barnes of the 78<sup>th</sup>, Rogers of the 26<sup>th</sup>, and Drenner of the 86<sup>th</sup>

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 legal recognition to the professions of industrial hygiene, health  
3 physics, and safety; to provide a short title; to provide for a statement of purpose; to provide  
4 for definitions; to prohibit certain actions and conduct by individuals and entities; to regulate  
5 the use of certain terms and titles; to provide that no business entity shall identify, advertise,  
6 or represent itself as a provider of certain services unless they meet certain requirements; to  
7 provide that certain conduct shall be an unfair business practice; to provide that no entity of  
8 state or local government shall by rule or otherwise prohibit or restrict the practice of  
9 industrial hygiene, health physics, or safety by any qualified individual who complies with  
10 the provisions established by or pursuant to this chapter, except when authorized by state  
11 statute to regulate a specific activity that may include the practice of industrial hygiene,  
12 health physics, or safety; to provide for exceptions; to provide for penalties; to provide for  
13 other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

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

18 "CHAPTER 21A

19 43-21A-1.

20 This chapter shall be known and may be cited as the 'Industrial Hygiene, Health Physics,  
21 and Safety Profession Recognition and Title Protection Act.'

1 43-21A-2.

2 (a) The purpose of this chapter is to provide legal recognition to the professions of  
3 industrial hygiene, health physics, and safety, as well as provide assurance to the public  
4 that individuals representing themselves as being involved in the professions of industrial  
5 hygiene, health physics, and safety have met minimum qualifications, thereby protecting  
6 the public health and safety.

7 (b) This chapter is also enacted for the purposes of:

8 (1) Prohibiting an individual from representing that the individual is a certified associate  
9 industrial hygienist, certified health physicist, certified industrial hygienist, certified  
10 safety professional, construction health and safety technician, occupational health and  
11 safety technologist, or registered radiation protection technologist unless the individual  
12 meets certain qualifications;

13 (2) Prohibiting a business entity from identifying, representing, or advertising itself as  
14 a provider of industrial hygiene, health physics, or safety services furnished by a certified  
15 associate industrial hygienist, certified health physicist, certified industrial hygienist,  
16 certified safety professional, construction health and safety technician, occupational  
17 health and safety technologist, or registered radiation protection technician unless the  
18 business entity meets certain qualifications; and

19 (3) Providing or recognizing certain qualifications for individuals and business entities  
20 using certain titles or making certain representations relating to the provision of industrial  
21 hygiene, health physics, or safety services.

22 43-21A-3.

23 As used in this chapter, the term:

24 (1) 'Accredited college or university' means a United States college or university that  
25 holds accreditation from one of the six regional accrediting bodies or the Distance  
26 Education and Training Council which are recognized by the Council on Higher  
27 Education and the U.S. Department of Education. A degree must be awarded during the  
28 time for which the institutional accreditation was issued. A college or university that is  
29 located outside of the United States will be considered on the basis of its accreditation  
30 status in the education system that has jurisdiction.

31 (2) 'American Academy of Health Physics' means the nonprofit corporation established  
32 to improve the practice and educational standards of the profession of health physics  
33 through certification of individuals by the American Board of Health Physics which  
34 establishes education, experience, examination, and maintenance requirements for  
35 certification and prepares, administers, and grades the certification examinations and  
36 issues certification to successful candidates.

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

5 (4) 'Board of Certified Safety Professionals' means the nonprofit corporation established  
6 to improve the practice and educational standards of the profession of safety by certifying  
7 individuals who meet its education, experience, examination, and maintenance  
8 requirements.

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

12 (6) 'Certified health physicist' means a person who has received the designation 'certified  
13 health physicist' by the American Board of Health Physics and whose certification has  
14 not lapsed or been revoked.

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

18 (8) 'Certified safety professional' means a person who has been certified by the Board of  
19 Certified Safety Professionals and whose certification has not lapsed or been revoked.

20 (9) 'Construction health and safety technician' means a person who, by virtue of  
21 education, experience, and examination, is recognized by the American Board of  
22 Industrial Hygiene and Board of Certified Safety Professionals Council on Certification  
23 of Health, Environmental and Safety Technologists.

24 (10) 'Health physicist' means a person having education or experience equivalent to a  
25 baccalaureate or graduate degree from an accredited college or university in health  
26 physics, radiation safety, radiation protection, biology, chemistry, engineering, physics,  
27 or a closely related physical or biological science who, by virtue of special studies and  
28 training, has acquired competence in health physics. Such special studies and training  
29 must have been sufficient in such cognate sciences to provide the ability and competency  
30 to:

31 (A) Anticipate and recognize the interactions of radiation with matter and to  
32 understand the effects of radiation on animals, people, and the environment;

33 (B) Evaluate, on the basis of training and experience and with the aid of quantitative  
34 measurement techniques, the magnitude of radiological factors in terms of their ability  
35 to impair human and environmental health and well-being; and

36 (C) Prescribe methods to prevent, eliminate, control, or reduce radiation exposure to  
37 workers, patients, the public, and the environment.

1 (11) 'Health physics' means that science and art devoted to the anticipation, recognition,  
2 evaluation, and control of radioactive material releases and potential radiation hazards in  
3 or from the workplace that may cause impaired health and well-being or injury among  
4 workers and may also impact the general community and the environment.

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

9 (13) 'Industrial hygiene certification organization' means an organization which has been  
10 in existence for at least five years and which has been established to improve the practice  
11 and educational standards of the profession of industrial hygiene by certifying individuals  
12 who meet its education, experience, and examination requirements. The organization  
13 shall be accredited by the National Commission of Certifying Agencies, the Council of  
14 Engineering and Scientific Specialty Boards, or a nationally recognized accrediting body  
15 which uses certification criteria equal to or greater than that of the National Commission  
16 of Certifying Agencies or the Council of Engineering and Scientific Specialty Boards.  
17 The organization shall maintain criteria at least equivalent to that of the American Board  
18 of Industrial Hygiene.

19 (14) 'Industrial hygienist' means a person having a baccalaureate or graduate degree from  
20 an accredited college or university in industrial hygiene, biology, chemistry, engineering,  
21 physics, or a closely related physical or biological science who, by virtue of special  
22 studies and training, has acquired competence in industrial hygiene. Such special studies  
23 and training must have been sufficient in such cognate sciences to provide the ability and  
24 competency to:

25 (A) Anticipate and recognize the environmental factors and stresses associated with  
26 work and work operations and understand their effects on people and their well-being;

27 (B) Evaluate, on the basis of training and experience and with the aid of quantitative  
28 measurement techniques, the magnitude of these factors and stresses in terms of their  
29 ability to impair human health and well-being; and

30 (C) Prescribe methods to prevent, eliminate, control, or reduce such factors and  
31 stresses and their effects.

32 (15) 'National Registry of Radiation Protection Technologists' means the nonprofit  
33 corporation established to promote the education and training of radiation protection  
34 technologists and, by so doing, to promote and advance the science of health physics and  
35 to provide incentives and services to encourage personnel to maintain and expand  
36 radiation protection education and training.

1 (16) 'Occupational health and safety technologist' means a person who, by virtue of  
2 special studies and training, has acquired proficiency in one or more areas of occupational  
3 health and safety recognized by the American Board of Industrial Hygiene and Board of  
4 Certified Safety Professionals Council on Certification of Health, Environmental and  
5 Safety Technologists.

6 (17) 'Registered radiation protection technologist' means a person who has received the  
7 designation 'registered radiation protection technologist' from the National Registry of  
8 Radiation Protection Technologists, whose registration has not lapsed or been revoked,  
9 and who is engaged in providing protection to the radiation worker, the general public,  
10 and the environment from the effects of ionizing radiation.

11 (18) 'Safety profession' means the science and art concerned with the preservation of  
12 human and material resources through the systematic application of principles drawn  
13 from such disciplines as engineering, education, psychology, physiology, enforcement,  
14 and management for anticipating, identifying, and evaluating hazardous conditions and  
15 practices; developing hazard control designs, methods, procedures, and programs;  
16 implementing, administering, and advising others on hazard controls and hazard control  
17 programs; and measuring, auditing, and evaluating the effectiveness of hazard controls  
18 and hazard control programs.

19 (19) 'Safety profession certification organization' means an organization which has been  
20 in existence for at least five years and which has been established to improve the practice  
21 and educational standards of the safety profession by certifying individuals who meet its  
22 education, experience, and examination requirements. The organization shall be  
23 accredited by the National Commission of Certifying Agencies, the Council of  
24 Engineering and Scientific Specialty Boards, or a nationally recognized accrediting body  
25 which uses certification criteria equal to or greater than that of the National Commission  
26 of Certifying Agencies or the Council of Engineering and Scientific Specialty Boards.  
27 The organization shall maintain criteria at least equivalent to that of the Board of  
28 Certified Safety Professionals.

29 43-21A-4.

30 (a) An individual shall meet the requirements and qualifications as set out in this chapter  
31 before such individual uses the title or represents himself or herself to the public as a  
32 certified associate industrial hygienist, certified health physicist, certified industrial  
33 hygienist, certified safety professional, construction health and safety technician, health  
34 physicist, industrial hygienist, occupational health and safety technologist, or registered  
35 radiation protection technologist.

1 (b) An individual shall not use the title 'certified associate industrial hygienist,' the initials  
2 'CAIH' or 'C.A.I.H.,' or any variation of those terms to identify, advertise, or represent, by  
3 any means of communication, that the individual provides industrial hygiene services as  
4 a certified associate industrial hygienist unless:

5 (1) The individual is designated as a certified associate industrial hygienist by the  
6 American Board of Industrial Hygiene; and

7 (2) The certified associate industrial hygienist designation has not lapsed or been  
8 revoked.

9 (c) An individual shall not use the title 'certified health physicist,' the initials 'CHP' or  
10 'C.H.P.,' or any variation of those terms to identify, advertise, or represent, by any means  
11 of communication, that the individual provides health physics services as a certified health  
12 physicist unless:

13 (1) The individual is designated as a certified health physicist by the American Board of  
14 Health Physics; and

15 (2) The certified health physics designation has not lapsed or been revoked.

16 (d) An individual shall not use the title 'certified industrial hygienist,' the initials 'CIH' or  
17 'C.I.H.,' or any variation of those terms to identify, advertise, or represent, by any means  
18 of communication, that the individual provides industrial hygiene services as a certified  
19 industrial hygienist unless:

20 (1) The individual is designated as a certified industrial hygienist by the American Board  
21 of Industrial Hygiene; and

22 (2) The certified industrial hygienist designation has not lapsed or been revoked.

23 (e) An individual shall not use the title 'certified safety professional,' the initials 'CSP' or  
24 'C.S.P.,' or any variation of those terms to identify, advertise, or represent, by any means  
25 of communication, that the individual provides safety services as a certified safety  
26 professional unless:

27 (1) The individual is designated as a certified safety professional by the Board of  
28 Certified Safety Professionals; and

29 (2) The certified safety professional designation has not lapsed or been revoked.

30 (f) An individual shall not use the title 'construction health and safety technician,' the  
31 initials 'CHST' or 'C.H.S.T.,' or any variation of those terms to identify, advertise, or  
32 represent, by any means of communication, that the individual provides industrial hygiene  
33 or safety services as a construction health and safety technician unless:

34 (1) The individual is designated as a construction health and safety technician by the  
35 American Board of Industrial Hygiene and the Board of Certified Safety Professionals  
36 Council on Certification of Health, Environmental and Safety Technologists; and

1 (2) The construction health and safety technician designation has not lapsed or been  
2 revoked.

3 (g) An individual shall not use the title 'health physicist,' the initials 'HP' or 'H.P.,' or any  
4 variation of those terms to identify, advertise, or represent, by any means of  
5 communication, that the individual provides health physics services as a health physicist  
6 unless the individual meets the definition of health physicist as stated in this chapter.

7 (h) An individual shall not use the title 'industrial hygienist,' the initials 'IH' or 'I.H.,' or any  
8 variation of those terms to identify, advertise, or represent, by any means of  
9 communication, that the individual provides industrial hygiene services as an industrial  
10 hygienist unless the individual meets the definition of industrial hygienist as stated in this  
11 chapter.

12 (i) An individual shall not use the title 'occupational health and safety technologist,' the  
13 initials 'OHST' or 'O.H.S.T.,' or any variation of those terms to identify, advertise, or  
14 represent, by any means of communication, that the individual provides industrial hygiene  
15 or safety services as an occupational health and safety technologist unless:

16 (1) The individual is designated as an occupational health and safety technologist by the  
17 American Board of Industrial Hygiene and the Board of Certified Safety Professionals  
18 Council on Certification of Health, Environmental and Safety Technologists; and

19 (2) The occupational health and safety technologist designation has not lapsed or been  
20 revoked.

21 (j) An individual shall not use the title 'registered radiation protection technologist,' the  
22 initials 'RRPT' or 'R.R.P.T.,' or any variation of those terms to identify, advertise, or  
23 represent, by any means of communication, that the individual provides radiation  
24 protection services as a registered radiation protection technologist unless:

25 (1) The individual is designated as a registered radiation protection technologist by the  
26 National Registry of Radiation Protection Technologists; and

27 (2) The registered radiation protection technologist designation has not lapsed or been  
28 revoked.

29 43-21A-5.

30 (a) A business entity shall not identify, advertise, or represent itself as a provider of  
31 industrial hygiene services furnished by certified associate industrial hygienists unless the  
32 industrial hygiene services are provided by or under the direct supervision of a certified  
33 associate industrial hygienist.

34 (b) A business entity shall not identify, advertise, or represent itself as a provider of health  
35 physics services furnished by certified health physicists unless the health physics services  
36 are provided by or under the direct supervision of a certified health physicist.

1 (c) A business entity shall not identify, advertise, or represent itself as a provider of  
2 industrial hygiene services furnished by certified industrial hygienists unless the industrial  
3 hygiene services are provided by or under the direct supervision of a certified industrial  
4 hygienist.

5 (d) A business entity shall not identify, advertise, or represent itself as a provider of safety  
6 services furnished by certified safety professionals unless the safety services are provided  
7 by or under the direct supervision of a certified safety professional.

8 (e) A business entity shall not identify, advertise, or represent itself as a provider of  
9 industrial hygiene or safety services furnished by occupational health and safety  
10 technologists unless the industrial hygiene or safety services are provided by or under the  
11 direct supervision of an occupational health and safety technologist.

12 (f) A business entity shall not identify, advertise, or represent itself as a provider of  
13 radiation protection services furnished by registered radiation protection technologists  
14 unless the radiation protection services are provided by or under the direct supervision of  
15 a registered radiation protection technologist.

16 (g) A business entity shall not identify, advertise, or represent itself as a provider of  
17 industrial hygiene or safety services furnished by construction health and safety technicians  
18 unless the industrial hygiene or safety services are provided by or under the direct  
19 supervision of a construction health and safety technician.

20 43-21A-6.

21 It is an unfair business practice for any person to represent himself or herself as a certified  
22 associate industrial hygienist, certified health physicist, certified industrial hygienist,  
23 certified safety professional, construction health and safety technician, health physicist,  
24 industrial hygienist, occupational health and safety technologist, or registered radiation  
25 protection technologist unless they comply with the requirements of this chapter.

26 43-21A-7.

27 No entity of state or local government shall by rule or otherwise prohibit or restrict the  
28 practice of industrial hygiene, health physics, or safety by any qualified individual who  
29 complies with the provisions established by or pursuant to this chapter, except when  
30 authorized by state statute to regulate a specific activity that may include the practice of  
31 industrial hygiene, health physics, or safety.

32 43-21A-8.

33 This chapter does not apply to:

1 (1) A person employed as an apprentice under the supervision of a certified associate  
2 industrial hygienist, certified health physicist, certified industrial hygienist, certified  
3 safety professional, construction health and safety technician, occupational health and  
4 safety technologist, or registered radiation protection technologist;

5 (2) A student studying industrial hygiene, health physics, or safety engaging in  
6 supervised activities related to industrial hygiene, health physics, or safety;

7 (3) Any person legally regulated in this state under any other licensing Act or regulation  
8 and engaging in the activities permitted under his or her license, provided he or she does  
9 not represent himself or herself to the public as a certified associate industrial hygienist,  
10 certified health physicist, certified industrial hygienist, certified safety professional,  
11 construction health and safety technician, health physicist, industrial hygienist,  
12 occupational health and safety technologist, or registered radiation protection  
13 technologist; and

14 (4) Individuals practicing within the scope of the meaning of industrial hygiene, health  
15 physics, or safety so long as the individual does not use the title or initials of or represent  
16 themselves to the public as a certified associate industrial hygienist, certified health  
17 physicist, certified industrial hygienist, certified safety professional, construction health  
18 and safety technician, health physicist, industrial hygienist, occupational health and safety  
19 technologist, or registered radiation protection technologist.

20 43-21A-9.

21 No person shall mislead or deceive anyone by the unauthorized use of any industrial  
22 hygiene, health physics, or safety certification mark that has been awarded by the U.S.  
23 Patent and Trademark Office.

24 43-21A-10.

25 Any person who violates this chapter shall be guilty of a misdemeanor and, upon  
26 conviction, shall be punished by a fine not exceeding \$1,000.00."

## 27 SECTION 2.

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