

House Bill 353 (AS PASSED HOUSE AND SENATE)

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

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide legal recognition to the professions of industrial hygiene, health physics, and safety; to provide a short title; to provide for a statement of purpose; to provide for definitions; to prohibit certain actions and conduct by individuals and entities; to regulate the use of certain terms and titles; to provide that no business entity shall identify, advertise, or represent itself as a provider of certain services unless they meet certain requirements; to provide that certain conduct shall be an unfair business practice; to provide that no entity of state or local government shall by rule or otherwise prohibit or restrict the practice of industrial hygiene, health physics, or safety by any qualified individual who complies with the provisions established by or pursuant to this chapter, except when authorized by state statute to regulate a specific activity that may include the practice of industrial hygiene, health physics, or safety; to provide for exceptions; to provide for penalties; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"CHAPTER 21A

43-21A-1.

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

43-21A-2.

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

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

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

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

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

43-21A-3.

As used in this chapter, the term:

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

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

(3) 'American Board of Industrial Hygiene' means the 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.

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

(5) '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.

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

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

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

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

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

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

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

(C) Prescribe methods to prevent, eliminate, control, or reduce radiation exposure to 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.

(16) '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 recognized by the American Board of Industrial Hygiene and Board of Certified Safety Professionals Council on Certification of Health, Environmental and Safety Technologists.

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

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

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

43-21A-4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43-21A-5.

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

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

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

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

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

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

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

43-21A-6.

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

43-21A-7.

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

43-21A-8.

This chapter does not apply to:



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

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

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

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

43-21A-9.

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

43-21A-10.

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

## **SECTION 2.**

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