

House Bill 353 (AS PASSED HOUSE AND SENATE)

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

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 style="text-align:center">**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 style="text-align:center">"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 stresses
31 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.