

SENATE BILL 268

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11r0467

By: **Senator Glassman**

Introduced and read first time: January 31, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Business Occupations and Professions – Qualified Industrial Hygienists and**
3 **Industrial Hygiene Technologists**

4 FOR the purpose of prohibiting an individual from representing the individual to be a
5 qualified industrial hygienist or an industrial hygiene technologist unless the
6 individual has certain qualifications; requiring an individual who represents the
7 individual to be a qualified industrial hygienist or an industrial hygiene
8 technologist to make certain credentials available for inspection on request from
9 certain individuals; creating a certain evidentiary presumption related to the
10 failure to present certain credentials; requiring the Commissioner of Labor and
11 Industry or the Commissioner’s agent to take certain enforcement action under
12 certain circumstances; authorizing the Commissioner to bring a certain action
13 in a certain court under certain circumstances; establishing certain appeal
14 procedures; making a person who violates certain provisions guilty of a
15 misdemeanor subject, on conviction, to a certain penalty; requiring the
16 Commissioner to adopt certain regulations; defining certain terms; and
17 generally relating to the regulation of the practice of industrial hygiene in the
18 State.

19 BY adding to

20 Article – Business Occupations and Professions
21 Section 22–101 through 22–106 to be under the new title “Title 22. Qualified
22 Industrial Hygienists and Industrial Hygiene Technologists”
23 Annotated Code of Maryland
24 (2010 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – Business Occupations and Professions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **TITLE 22. QUALIFIED INDUSTRIAL HYGIENISTS AND INDUSTRIAL HYGIENE**
2 **TECHNOLOGISTS.**

3 **22-101.**

4 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED.**

6 **(B) “COMMISSIONER” MEANS THE COMMISSIONER OF LABOR AND**
7 **INDUSTRY IN THE DIVISION OF LABOR AND INDUSTRY IN THE DEPARTMENT.**

8 **(C) “INDUSTRIAL HYGIENE” MEANS THE ART AND SCIENCE OF**
9 **ANTICIPATING, RECOGNIZING, EVALUATING, AND CONTROLLING CHEMICAL,**
10 **PHYSICAL, BIOLOGICAL, AND BIO-MECHANICAL HAZARDS IN A WORK**
11 **ENVIRONMENT.**

12 **22-102.**

13 **(A) AN INDIVIDUAL MAY NOT REPRESENT THE INDIVIDUAL TO BE A**
14 **QUALIFIED INDUSTRIAL HYGIENIST UNLESS THE INDIVIDUAL:**

15 **(1) IS CERTIFIED IN COMPREHENSIVE PRACTICE BY THE**
16 **AMERICAN BOARD OF INDUSTRIAL HYGIENE; OR**

17 **(2) (I) IS A REGISTERED MEMBER OF THE ASSOCIATION OF**
18 **PROFESSIONAL INDUSTRIAL HYGIENISTS; AND**

19 **(II) HAS:**

20 **1. A. EARNED A BACHELOR’S DEGREE IN**
21 **INDUSTRIAL HYGIENE, ENGINEERING, PHYSICS, BIOLOGY, MEDICINE, OR**
22 **RELATED PHYSICAL OR BIOLOGICAL SCIENCES FROM AN ACCREDITED**
23 **COLLEGE OR UNIVERSITY; AND**

24 **B. AT LEAST 3 YEARS OF EXPERIENCE WORKING**
25 **UNDER A QUALIFIED INDUSTRIAL HYGIENIST OR OTHER RECOGNIZED HEALTH**
26 **PROFESSIONAL CERTIFIED AS ACCEPTABLE TO THE ADMISSIONS COMMITTEE**
27 **OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR THE ADMISSIONS**
28 **COMMITTEE OF THE ASSOCIATION OF PROFESSIONAL INDUSTRIAL**
29 **HYGIENISTS;**

30 **2. A. EARNED A MASTER’S DEGREE IN**
31 **INDUSTRIAL HYGIENE, ENGINEERING, PHYSICS, BIOLOGY, MEDICINE, OR**

1 RELATED PHYSICAL OR BIOLOGICAL SCIENCES FROM AN ACCREDITED
2 COLLEGE OR UNIVERSITY; AND

3 B. AT LEAST 2 YEARS OF EXPERIENCE WORKING
4 UNDER A QUALIFIED INDUSTRIAL HYGIENIST OR OTHER RECOGNIZED HEALTH
5 PROFESSIONAL CERTIFIED AS ACCEPTABLE TO THE ADMISSIONS COMMITTEE
6 OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR THE ADMISSIONS
7 COMMITTEE OF THE ASSOCIATION OF PROFESSIONAL INDUSTRIAL
8 HYGIENISTS; OR

9 3. A. EARNED A DOCTORAL DEGREE IN
10 INDUSTRIAL HYGIENE, ENGINEERING, PHYSICS, BIOLOGY, MEDICINE, OR
11 RELATED PHYSICAL OR BIOLOGICAL SCIENCES FROM AN ACCREDITED COLLEGE
12 OR UNIVERSITY; AND

13 B. AT LEAST 1 YEAR OF EXPERIENCE WORKING
14 UNDER A QUALIFIED INDUSTRIAL HYGIENIST OR ANOTHER RECOGNIZED
15 HEALTH PROFESSIONAL CERTIFIED AS ACCEPTABLE TO THE ADMISSIONS
16 COMMITTEE OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR THE
17 ADMISSIONS COMMITTEE OF THE ASSOCIATION OF PROFESSIONAL INDUSTRIAL
18 HYGIENISTS.

19 (B) AN INDIVIDUAL MAY NOT REPRESENT THE INDIVIDUAL TO BE AN
20 INDUSTRIAL HYGIENE TECHNOLOGIST UNLESS THE INDIVIDUAL:

21 (1) HAS EARNED AN ASSOCIATE'S DEGREE IN INDUSTRIAL
22 HYGIENE FROM AN ACCREDITED COLLEGE OR UNIVERSITY;

23 (2) (I) HAS EARNED AN ASSOCIATE'S DEGREE IN A FIELD
24 ALLIED WITH INDUSTRIAL HYGIENE FROM AN ACCREDITED COLLEGE OR
25 UNIVERSITY; AND

26 (II) HAS AT LEAST 1 YEAR OF EXPERIENCE WORKING UNDER
27 A QUALIFIED INDUSTRIAL HYGIENIST OR OTHER RECOGNIZED HEALTH
28 PROFESSIONAL CERTIFIED AS ACCEPTABLE TO THE ADMISSIONS COMMITTEE
29 OF THE AMERICAN BOARD OF INDUSTRIAL HYGIENE OR THE ADMISSIONS
30 COMMITTEE OF THE ASSOCIATION OF PROFESSIONAL INDUSTRIAL
31 HYGIENISTS; OR

32 (3) IS RECOGNIZED AS A REGISTERED INDUSTRIAL HYGIENE
33 TECHNOLOGIST BY THE REGISTRATION COMMITTEE OF THE ASSOCIATION OF
34 PROFESSIONAL INDUSTRIAL HYGIENISTS.

1 **(A) AN INDIVIDUAL WHO REPRESENTS THE INDIVIDUAL TO BE A**
2 **QUALIFIED INDUSTRIAL HYGIENIST OR AN INDUSTRIAL HYGIENE**
3 **TECHNOLOGIST SHALL MAKE CREDENTIALS AVAILABLE FOR INSPECTION**
4 **WITHIN A REASONABLE TIMEFRAME ON REQUEST BY THE COMMISSIONER, AN**
5 **AGENT OF THE COMMISSIONER, OR A LAW ENFORCEMENT OFFICER.**

6 **(B) THE FAILURE OF A QUALIFIED INDUSTRIAL HYGIENIST OR AN**
7 **INDUSTRIAL HYGIENE TECHNOLOGIST TO MAKE CREDENTIALS AVAILABLE FOR**
8 **INSPECTION ON REQUEST AS REQUIRED UNDER SUBSECTION (A) OF THIS**
9 **SECTION SHALL BE PRESUMPTIVE EVIDENCE THAT THE QUALIFIED INDUSTRIAL**
10 **HYGIENIST OR INDUSTRIAL HYGIENE TECHNOLOGIST HAS VIOLATED § 22-102**
11 **OF THIS TITLE.**

12 **22-104.**

13 **(A) IN ADDITION TO THE POWERS CONFERRED UNDER THIS TITLE, THE**
14 **COMMISSIONER MAY USE ALL POWERS CONFERRED BY LAW TO THE**
15 **COMMISSIONER TO IMPLEMENT AND ENFORCE THE PROVISIONS OF THIS TITLE.**

16 **(B) (1) THE COMMISSIONER OR AN AGENT OF THE COMMISSIONER**
17 **WHO HAS REASON TO BELIEVE THAT AN INDIVIDUAL IS OR HAS BEEN VIOLATING**
18 **§ 22-102 OF THIS TITLE SHALL REQUIRE THE INDIVIDUAL TO PROVIDE PROOF**
19 **THAT THE INDIVIDUAL IS A QUALIFIED INDUSTRIAL HYGIENIST OR AN**
20 **INDUSTRIAL HYGIENE TECHNOLOGIST.**

21 **(2) IF AN INDIVIDUAL FAILS TO PROVIDE PROOF UNDER**
22 **PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER OR AN AGENT OF**
23 **THE COMMISSIONER SHALL ISSUE A WRITTEN NOTICE TO THE INDIVIDUAL**
24 **THAT:**

25 **(I) STATES THAT THERE HAS BEEN A VIOLATION OF THIS**
26 **TITLE OR REGULATIONS ADOPTED UNDER THIS TITLE, IF ANY; AND**

27 **(II) REQUIRES THE INDIVIDUAL TO CEASE THE PRACTICE OF**
28 **INDUSTRIAL HYGIENE.**

29 **(3) IF A PERSON FAILS TO COMPLY WITH A WRITTEN NOTICE**
30 **ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER MAY**
31 **BRING AN ACTION TO ENFORCE THE WRITTEN NOTICE IN A COUNTY WHERE THE**
32 **INDIVIDUAL IS PRACTICING INDUSTRIAL HYGIENE OR IN THE CIRCUIT COURT**
33 **OF BALTIMORE CITY.**

1 **(C) (1) A PERSON AGGRIEVED BY A DECISION OF THE**
2 **COMMISSIONER UNDER THIS SECTION MAY APPEAL TO A COURT OF COMPETENT**
3 **JURISDICTION IN ACCORDANCE WITH THE MARYLAND RULES.**

4 **(2) A DECISION OF THE COMMISSIONER MAY NOT BE STAYED BY**
5 **THE FILING OF AN APPEAL UNDER THIS SECTION.**

6 **22-105.**

7 **A PERSON WHO VIOLATES THIS TITLE OR REGULATIONS ADOPTED UNDER**
8 **THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO**
9 **A FINE NOT EXCEEDING \$1,000.**

10 **22-106.**

11 **THE COMMISSIONER SHALL ADOPT REGULATIONS TO IMPLEMENT,**
12 **ADMINISTER, AND ENFORCE THIS TITLE.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
14 **October 1, 2011.**