

## LEGISLATIVE BILL 558

Approved by the Governor June 3, 1997

Introduced by Brashear, 4

AN ACT relating to certified industrial hygienists; to adopt the Certified Industrial Hygienist Title Protection Act.  
Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known and may be cited as the Certified Industrial Hygienist Title Protection Act.

Sec. 2. It is the intent of the Legislature to provide legal recognition to the professional practice of industrial hygiene so as to provide assurance to government, business, private entities, and the public that a person who represents himself or herself as a certified industrial hygienist or a person who or an entity which represents that he, she, or it provides industrial hygiene services by or under the direction and supervision of a certified industrial hygienist is actually such individual or directly employs such individuals having the qualifications stated in the Certified Industrial Hygienist Title Protection Act.

Sec. 3. For purposes of the Certified Industrial Hygienist Title Protection Act, industrial hygiene means the science and practice devoted to the anticipation, recognition, evaluation, and specification of controls of environmental factors, stressors, physical hazards, and chemical exposures associated with work and work operations that may cause sickness, impaired health and well-being, or significant discomfort among workers and the general community.

Sec. 4. (1) An individual shall not use the title of or represent or advertise himself or herself as a certified industrial hygienist, CIH, or C.I.H. unless such individual has received the designation Certified Industrial Hygienist from the American Board of Industrial Hygiene and the designation as such has not lapsed or been revoked.

(2) An individual shall not use for title or professional identification or as a personal credential any variation on the terms described in subsection (1) of this section using the words "Certified Industrial Hygienist" and shall not use initials that indicate such a title unless the individual meets the requirements of this section.

Sec. 5. A business enterprise shall not identify, represent, or advertise itself as a provider of industrial hygiene services provided by or under the direction and supervision of a certified industrial hygienist or a variation of such words unless the individuals directly employed by such enterprise to actually engage in any business practice which could be classified as industrial hygiene using the services of a certified industrial hygienist satisfy the requirements of the Certified Industrial Hygienist Title Protection Act. The action or intent of any business enterprise to provide for compensation the services of a certified industrial hygienist through subcontracting, subconsulting, or any means other than direct employment of a certified industrial hygienist shall be clearly conveyed in writing by the soliciting business enterprise to the prospective target audience of interest or buyer of such industrial hygiene services.

Sec. 6. An individual or business enterprise who violates section 4 or 5 of this act commits an unfair trade practice. Any person or entity injured by such a violation shall have a right of action against the violator for damages for each occurrence when any person or entity suffered or suffers loss.

An individual or business enterprise that violates the Certified Industrial Hygienist Title Protection Act shall be subject to a civil penalty of not more than two thousand dollars. The Attorney General or the county attorney of the county in which such violation occurs shall, when he or she has knowledge of such violation, institute an action in such county to collect the penalty imposed by this section. Money collected pursuant to such action shall be remitted to the State Treasurer for credit to the permanent school fund.

Sec. 7. The Certified Industrial Hygienist Title Protection Act does not regulate or otherwise limit the activity of any individual or entity that does not represent or advertise himself, herself, or itself as a certified industrial hygienist, CIH, or C.I.H. or as a provider of services to be performed by a certified industrial hygienist.

Sec. 8. The Department of Health and Human Services Regulation and Licensure may adopt and promulgate rules and regulations to implement the

Certified Industrial Hygienist Title Protection Act and to further regulate the use of the term certified industrial hygienist.