

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 897*

Short Title: Safety Professionals.

(Public)

Sponsors: Senators Dalton; and Perdue.

Referred to: Judiciary I.

April 14, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE TITLE PROTECTION FOR THE SAFETY PROFESSION.
3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 90 of the General Statutes is amended by adding a new
5 Article to read:

6 **"ARTICLE 37.**
7 **"SAFETY PROFESSION.**

8 **"§ 90-646. Definitions.**

9 The following definitions apply in this Article:

- 10 (1) Associate Safety Professional (ASP). – A person who has met the
11 education, experience, and examination requirements established by the
12 Board of Certified Safety Professionals for an Associate Safety
13 Professional.
14 (2) Board of Certified Safety Professionals (BCSP). – A nonprofit
15 corporation established to improve the practice and educational
16 standards of the profession of safety by certifying individuals who meet
17 its education, experience, examination, and maintenance requirements.
18 (3) Certified Safety Professional (CSP). – A person who has met the
19 education, experience, and examination requirements established by the

1 Board of Certified Safety Professionals for a Certified Safety
2 Professional.

3 (4) Safety Profession. – The science and discipline concerned with the
4 preservation of human environmental and material resources through
5 the systematic application of engineering, education, chemistry, physics,
6 biological, ergonomic, psychological, physiological, and management
7 principles for anticipating, identifying, and evaluating hazardous and
8 potentially hazardous systems, conditions, and practices and developing,
9 implementing, advising, and administering designs, methods,
10 procedures, and programs.

11 (5) Safety Professional (SP). – A person who, through studies and training
12 in management principles, engineering, chemistry, physics, biology,
13 ergonomics, psychology, physiology, and related science, has acquired
14 competence in the safety profession, including the ability to: (i)
15 anticipate, identify, and evaluate hazardous conditions and practices and
16 analyze accident causes and conduct system analyses; (ii) develop
17 hazard control designs, methods, procedures, and programs; (iii)
18 implement, administer, and advise others on hazard controls and hazard
19 control programs; (iv) design and implement training programs; and (v)
20 measure, audit, and evaluate the effectiveness of hazard controls and
21 hazard control programs.

22 **"§ 90-647. Unlawful acts; injunctive relief; regulation prohibited.**

23 (a) No person shall engage in or offer to engage in the practice of safety as a safety
24 professional or represent himself or herself as a safety professional unless he or she has
25 completed the studies and training required in G.S. 90-646(5).

26 (b) No person shall represent himself or herself as a Certified Safety Professional
27 or Associate Safety Professional unless that person is certified by the Board of Certified
28 Safety Professionals.

29 (c) Any person who violates this Article is guilty of a Class 2 misdemeanor.

30 (d) Any person, including the Attorney General, may apply to the superior court
31 for an order enjoining violations of this Article. The court may grant injunctive relief
32 regardless of whether criminal prosecution or other action has been or may be instituted
33 as a result of the violation. In the court's consideration of whether to grant or continue an
34 injunction, a showing of conduct in violation of this Article shall be sufficient to meet a
35 requirement of irreparable harm. The action shall be filed in the county in which the
36 unlawful acts are alleged to have been committed or in the county where the defendant
37 resides.

38 (e) No State or local government agency shall prohibit or restrict the practice of
39 the safety profession by a qualified individual who complies with the provisions of this
40 Article.

41 **"§ 90-648. Exemptions.**

42 This Article does not apply to:

- 1 (1) A student of safety who is engaged in supervised activities related to
2 safety.
- 3 (2) A person who holds a license issued by a State board, commission, or
4 other agency, is engaged in activities authorized by his or her license,
5 and does not represent himself or herself as an associate safety
6 professional, certified safety professional, or safety professional.
- 7 (3) A person who practices within the scope of safety, injury, or illness
8 prevention and does not use the title, 'Associate Safety Professional',
9 'Certified Safety Professional', or 'Safety Professional', the initials,
10 'ASP', 'CSP', or 'SP', or otherwise represents himself or herself to the
11 public as an Associate Safety Professional, Certified Safety
12 Professional, or Safety Professional."

13 Section 2. This act is effective when it becomes law.