

HOUSE BILL NO. 340

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE JAMES BY REQUEST

Introduced: 5/9/95

Referred: House Special Committee on Economic Development, State Affairs, Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation of safety professionals."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 08 is amended by adding a new chapter to read:

4 CHAPTER 93. SAFETY PROFESSIONALS.

5 Sec. 08.93.010. LICENSE REQUIRED. A person may not provide or offer
6 to provide safety services in the state for compensation without being appropriately
7 licensed under this chapter.

8 Sec. 08.93.020. QUALIFICATIONS FOR LICENSES. (a) The Department
9 of Labor shall adopt regulations governing the qualifications for licensure of persons
10 who perform the functions of licensed

- 11 (1) safety professionals;
- 12 (2) associate safety professionals; and
- 13 (3) safety technicians.

14 (b) The regulations adopted under this section must provide that a person who
15 has satisfied the requirements set by

1 (1) the national Board of Certified Safety Professionals and has
2 received the designation of certified safety professional has completed the examination
3 requirement for licensure under this chapter as a licensed safety professional;

4 (2) the national Board of Certified Safety Professionals and has
5 received the designation of associate safety professional has completed the examination
6 requirement for licensure under this chapter as a licensed associate safety professional;

7 (3) the Joint Committee for Certification of Occupational Health and
8 Safety Technologists of the American Board of Industrial Hygiene and the national
9 Board of Certified Safety Professionals has completed the examination requirement for
10 licensure under this chapter as a licensed safety technician.

11 Sec. 08.93.030. ISSUANCE OF LICENSES. The department shall issue an
12 appropriate license to a person when the person submits to the department

13 (1) a completed application on a form provided by the department
14 showing, to the department's satisfaction, that the person meets the applicable
15 requirements of the regulations adopted under AS 08.93.020; and

16 (2) the appropriate fee set under AS 08.01.065.

17 Sec. 08.93.040. ENFORCEMENT OF CHAPTER. In addition to the power
18 of the department to enforce this chapter under AS 08.01, the Department of Labor
19 may enforce this chapter with the same powers given to the department under
20 AS 08.01.087 and 08.01.102 - 08.01.105. The department and the Department of
21 Labor shall coordinate their activities under this section. A person may not be issued
22 more than one citation under AS 08.01.102 for the same violation.

23 Sec. 08.93.050. EXEMPTIONS. The licensing requirements of this chapter
24 do not apply to

25 (1) a person who is performing or supervising work designed by a
26 licensed safety professional;

27 (2) a worker in crafts or a superintendent, supervisor, or inspector, who
28 is performing the person's customary duties;

29 (3) an officer or employee of the federal or state government whose
30 practice of providing safety services is part of the person's official duties;

31 (4) a village public safety officer or an officer or employee of the

1 Department of Public Safety or a municipal police department;

2 (5) an employee or a subordinate of a person licensed under this
3 chapter if the work or service is done under the direct supervision of a person licensed
4 under this chapter;

5 (6) associates, consultants, or specialists who are retained by a person
6 licensed under this chapter; a partnership of persons licensed under this chapter; or a
7 corporation that offers safety services if the direct control of the provision of safety
8 services by the corporation is with an individual who is licensed under this chapter;

9 (7) a person who is employed by a postsecondary educational
10 institution to teach safety services courses;

11 (8) the performance of occupational illness and injury record keeping
12 requirements by a person who performs that duty for a business that is exempt from
13 requirements to keep occupational illness and injury records;

14 (9) an individual who is a licensed health care provider acting within
15 the scope of the individual's health care license.

16 Sec. 08.93.060. PROHIBITED ACTS. (a) A person may not knowingly

17 (1) provide safety services in this state without being appropriately
18 licensed under this chapter or exempt from licensure under AS 08.93.050;

19 (2) present or attempt to use the license or seal of another person who
20 is licensed under this chapter;

21 (3) give false or misleading evidence to the department in an attempt
22 to obtain or renew a license under this chapter;

23 (4) use or attempt to use an expired or revoked license originally issued
24 under this chapter; or

25 (5) claim to be licensed under this chapter or authorized to perform
26 safety services without being appropriately licensed under this chapter.

27 (b) A person who violates AS 08.93.010 or (a) of this section is guilty of a
28 class A misdemeanor.

29 Sec. 08.93.090. DEFINITIONS. In this chapter,

30 (1) "department" means the Department of Commerce and Economic
31 Development;

1 (2) "licensed associate safety professional" means a person licensed
2 under this chapter to perform the functions of a licensed safety technician and to
3 review safety and health programs, policies, safety practices, and training programs;

4 (3) "licensed safety professional" means a person licensed under this
5 chapter to

6 (A) perform safety services;

7 (B) perform the functions of a licensed associate safety
8 professional;

9 (C) approve safety and health programs, policies, safety
10 practices, and training programs; and

11 (D) conduct industrial hygiene sampling and interpret results;

12 (4) "licensed safety technician" means a person licensed under this
13 chapter to perform safety inspections, industrial hygiene monitoring, health and safety
14 training, and occupational accident and illness record keeping functions and to make
15 reports and recommendations about the person's findings;

16 (5) "safety services" means services to protect workers and the public
17 from hazards likely to cause injury or illness; "safety services" includes

18 (A) developing accident prevention programs;

19 (B) analysis of investigations of accidents, fires, and releases or
20 threatened releases of hazardous materials and substances;

21 (C) investigation of accidents, fires, and releases or threatened
22 releases of hazardous materials and substances when professional expertise is
23 necessary because of the complexity of the event;

24 (D) analysis of accident and occupational illness reports and
25 records to determine trends and causes;

26 (E) developing safety and health training programs and manuals
27 providing training in safe practices and procedures;

28 (F) sampling and analysis of contaminants in the workplace;

29 (G) conducting exposure assessment and safety inspections or
30 audits to ensure adequacy of policies and programs;

31 (H) making recommendations for safety devices, protective

1 clothing, and protective equipment;
2 (I) approving emergency plans; and
3 (J) recommending procedural changes to improve safety
4 performance.

5 * **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

6 (36) regulation of safety professionals under AS 08.93.

7 * **Sec. 3.** AS 08.01.050(a) is amended to read:

8 (a) The department shall perform the following administrative and budgetary
9 services when appropriate:

- 10 (1) collect and record fees;
- 11 (2) maintain records and files;
- 12 (3) issue and receive application forms;
- 13 (4) notify applicants of acceptance or rejection as determined by the
14 board or as determined by the department under AS 08.06 for acupuncturists, under
15 AS 08.11 for audiologists, under AS 08.18 for contractors, under AS 08.40 for
16 electrical and mechanical administrators, under AS 08.45 for naturopaths, [OR] under
17 AS 08.55 for hearing aid dealers, **or under AS 08.93 for safety professionals;**
- 18 (5) designate dates examinations are to be held and notify applicants;
- 19 (6) publish notice of examinations and proceedings;
- 20 (7) arrange space for holding examinations and proceedings;
- 21 (8) notify applicants of results of examinations;
- 22 (9) issue licenses or temporary licenses as authorized by the board or
23 as authorized by the department under AS 08.06 for acupuncturists, under AS 08.11
24 for audiologists, under AS 08.18 for contractors, under AS 08.40 for electrical and
25 mechanical administrators, under AS 08.45 for naturopaths, [OR] under AS 08.55 for
26 hearing aid dealers, **or under AS 08.93 for safety professionals;**
- 27 (10) issue duplicate licenses upon submission of a written request by
28 the licensee attesting to loss of or the failure to receive the original and payment by
29 the licensee of a fee established by regulation adopted by the department;
- 30 (11) notify licensees of renewal dates at least 30 days before the
31 expiration date of their licenses;

- 1 (12) compile and maintain a current register of licensees;
- 2 (13) answer routine inquiries;
- 3 (14) maintain files relating to individual licensees;
- 4 (15) arrange for printing and advertising;
- 5 (16) purchase supplies;
- 6 (17) employ additional help when needed;
- 7 (18) perform other services that may be requested by the board;
- 8 (19) provide inspection, enforcement, and investigative services to the
- 9 boards and for the occupations listed in AS 08.01.010, regarding all licenses issued by
- 10 or through the department;
- 11 (20) retain and safeguard the official seal of a board and prepare, sign,
- 12 and affix a board seal, as appropriate, for licenses approved by a board;
- 13 (21) issue business licenses under AS 43.70.

14 * **Sec. 4.** TRANSITION. Notwithstanding AS 08.93, enacted by sec. 1 of this Act, a person
15 who, by December 1, 1995, provides to the Department of Commerce and Economic
16 Development documentation satisfactory to the department that the person has been
17 performing safety services, as defined in this Act, for at least two years shall be given a safety
18 technician license by the department that is valid for two years after the date of issuance. The
19 license of a person licensed under this section may not be renewed unless the person complies
20 with the requirements of AS 08.93, enacted by sec. 1 of this Act.