

State of Wisconsin



2017 Senate Bill 132

Date of enactment: **November 27, 2017**
Date of publication*: **November 28, 2017**

2017 WISCONSIN ACT 73

AN ACT to amend 100.20 (5) and 100.20 (6); and to create 66.0439, 100.20 (1v) and 100.70 of the statutes; relating to: regulating the use of certain professional credentials and providing a criminal penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.0439 of the statutes is created to read:

66.0439 Environmental, occupational health, and safety credentials. (1) No city, village, town, or county may enact an ordinance or adopt a resolution that restricts the use of a title or a representation described in s. 100.70 (1) (a) to (h).

(2) If a city, village, town, or county has in effect on the effective date of this subsection [LRB inserts date], an ordinance that the city, village, town, or county is prohibited from enacting under sub. (1), the ordinance does not apply and may not be enforced.

SECTION 2. 100.20 (1v) of the statutes is created to read:

100.20 (1v) It is an unfair method of competition in business or an unfair trade practice for a person or business entity to violate s. 100.70 (1).

SECTION 3. 100.20 (5) of the statutes is amended to read:

100.20 (5) Any person suffering pecuniary loss because of a violation by any other person of s. 100.70 or any order issued under this section may sue for damages therefor in any court of competent jurisdiction and shall recover twice the amount of such pecuniary loss, together with costs, including a reasonable attorney's attorney fee.

SECTION 4. 100.20 (6) of the statutes is amended to read:

100.20 (6) The department may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction the violation of s. 100.70 or any order issued under this section. The court may in its discretion, prior to entry of final judgment make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, provided proof thereof is submitted to the satisfaction of the court. The department may use its authority in ss. 93.14 and 93.15 to investigate violations of s. 100.70 or any order issued under this section.

SECTION 5. 100.70 of the statutes is created to read:

100.70 Environmental, occupational health, and safety credentials. (1) PROHIBITIONS. (a) *Certified dangerous goods professional.* No person may use the title "Certified Dangerous Goods Professional," the initials "C.D.G.P.," or any variation or combination of those terms to identify, advertise, or represent, by any means, that the person is a certified dangerous goods professional unless the person is designated as a certified dangerous goods professional by the Institute of Hazardous Materials Management and that designation has not expired or been revoked.

(b) *Certified hazardous materials manager.* No person may use the title "Certified Hazardous Materials Manager," the initials "C.H.M.M.," or any variation or combination of those terms to identify, advertise, or rep-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

resent, by any means, that the person is a certified hazardous materials manager unless the person is designated as a certified hazardous materials manager by the Institute of Hazardous Materials Management and that designation has not expired or been revoked.

(c) *Certified hazardous materials practitioner.* No person may use the title “Certified Hazardous Materials Practitioner,” the initials “C.H.M.P.,” or any variation or combination of those terms to identify, advertise, or represent, by any means, that the person is a certified hazardous materials practitioner unless the person is designated as a certified hazardous materials practitioner by the Institute of Hazardous Materials Management and that designation has not expired or been revoked.

(d) *Certified health physicist.* No person may use the title “Certified Health Physicist,” the initials “C.H.P.,” or any variation or combination of those terms to identify, advertise, or represent, by any means, that the person is a certified health physicist unless the person is designated as a certified health physicist by the American Board of Health Physics and that designation has not expired or been revoked.

(e) *Certified industrial hygienist.* No person may use the title “Certified Industrial Hygienist,” the initials “C.I.H.,” or any variation or combination of those terms to identify, advertise, or represent, by any means, that the person is a certified industrial hygienist unless the person is designated as a certified industrial hygienist by the American Board of Industrial Hygiene and that designation has not expired or been revoked.

(f) *Certified safety professional.* No person may use the title “Certified Safety Professional,” the initials “C.S.P.,” or any variation or combination of those terms

to identify, advertise, or represent, by any means, that the person is a certified safety professional unless the person is designated as a certified safety professional by the Board of Certified Safety Professionals and that designation has not expired or been revoked.

(g) *Registered radiation protection technologist.* No person may use the title “Registered Radiation Protection Technologist,” the initials “R.R.P.T.,” or any variation or combination of those terms to identify, advertise, or represent, by any means, that the person is a registered radiation protection technologist unless the person is designated as a registered radiation protection technologist by the National Registry of Radiation Protection Technologists and that designation has not expired or been revoked.

(h) *Commercial representation.* No business entity may identify, advertise, or represent, by any means, that the services provided by the business entity are furnished by a certified or registered professional described under pars. (a) to (g) unless those services are provided by, or are provided under the direct supervision of, a person who is permitted to use that title under pars. (a) to (g).

(i) *Certification mark.* No person may mislead or deceive a person by the unauthorized use of a certification mark awarded by the U.S. patent and trademark office that includes a title described in pars. (a) to (g).

(j) *Exception.* Paragraphs (a) to (g) do not apply to an apprentice or student who is acting under the supervision of a person who is permitted to use a title under pars. (a) to (g).

(2) **PENALTY.** A person who violates sub. (1) is guilty of a misdemeanor and shall be fined not more than \$1,000.
