

SENATE BILL 631

J1, J2

0lr2015

By: **Senator Conway**

Introduced and read first time: February 5, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **State Board of Dental Examiners – ~~Materials Containing Mercury~~ Dentists –**
3 **Use of Dental Amalgam, Mercury, and Amalgam Alloy**

4 FOR the purpose of ~~requiring dentists to ask patients, prior to performing any dental~~
5 ~~procedures or treatments that include the use of dental materials containing~~
6 ~~mercury, if the patient has a known allergy to mercury; requiring dentists to~~
7 ~~adhere to certain Federal Drug Administration guidance; and generally relating~~
8 ~~to dentists asking patients about known allergies to mercury and the Federal~~
9 ~~Drug Administration guidance on dental materials containing mercury~~
10 requiring dentists to comply with the U.S. Food and Drug Administration Final
11 Rule relating to the use of dental amalgam, mercury, and amalgam alloy under
12 certain circumstances; and generally relating to a dentist's use of dental
13 amalgam, mercury, and amalgam alloy.

14 BY adding to

15 Article – Health Occupations

16 Section 4–506.1

17 Annotated Code of Maryland

18 (2009 Replacement Volume)

19 ~~Preamble~~

20 ~~WHEREAS, In July 2009, the Food and Drug Administration (FDA) issued~~
21 ~~guidance requiring the dental industry to address the issues of safety and~~
22 ~~effectiveness for dental amalgam, mercury, and amalgam alloy; and~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~WHEREAS, The FDA guidance identified potential risks to health generally~~
2 ~~associated with the use of dental amalgam devices; and~~

3 ~~WHEREAS, The FDA guidance recommended labeling of dental amalgam,~~
4 ~~mercury, and amalgam alloy devices to include information sufficient to inform dental~~
5 ~~professionals of the proper use of the devices; and~~

6 ~~WHEREAS, Mercury is a toxic metal and amalgam fillings are a combination of~~
7 ~~mercury and other metals, which at certain levels have been linked to brain and~~
8 ~~kidney damage; and~~

9 ~~WHEREAS, According to the American Dental Association, about 30 percent of~~
10 ~~fillings given to patients are mercury filled; and~~

11 ~~WHEREAS, The FDA guidance considers the fillings “moderate risk” devices~~
12 ~~and will require details about the risks and benefits of the products and will require~~
13 ~~warnings against the use in patients with mercury allergies or in poorly ventilated~~
14 ~~areas; now, therefore,~~

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

17 **Article – Health Occupations**

18 **4-506.1.**

19 ~~(A) A DENTIST SHALL ASK A PATIENT, PRIOR TO PERFORMING ANY~~
20 ~~DENTAL PROCEDURE OR TREATMENT THAT INCLUDES THE USE OF DENTAL~~
21 ~~MATERIALS CONTAINING MERCURY, IF THE PATIENT HAS A KNOWN ALLERGY TO~~
22 ~~MERCURY.~~

23 ~~(B) A DENTIST SHALL ADHERE TO THE FEDERAL DRUG~~
24 ~~ADMINISTRATION GUIDANCE ON DENTAL AMALGAM, MERCURY, AND AMALGAM~~
25 ~~ALLOY, INCLUDING RECOMMENDATIONS ON LABELING COMPLY WITH THE U.S.~~
26 ~~FOOD AND DRUG ADMINISTRATION FINAL RULE (74 FR 38686) RELATING TO~~
27 ~~THE USE OF DENTAL AMALGAM, MERCURY, AND AMALGAM ALLOY AS IT RELATES~~
28 ~~TO A DENTIST’S TREATMENT OF THE DENTIST’S PATIENTS, INCLUDING A~~
29 ~~DETERMINATION OF A PATIENT’S ALLERGY STATUS.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.