

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 640

S.P. 218

In Senate, January 26, 1999

An Act to Require Informed Consent when Using Mercury in Dental Procedures.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MICHAUD of Penobscot.

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Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §1094-C is enacted to read:

§1094-C. Informed consent to the use of mercury or mercury amalgam in dental procedures

1. Consent by the patient. A dentist may not use mercury or mercury amalgam in a dental procedure unless, prior to the use, the dentist certifies in writing that the patient gave informed consent freely and without coercion.

2. Informed consent. To ensure that the consent for the use of mercury or mercury amalgam in a dental procedure is truly informed consent, the dentist shall inform the patient, in a manner that in the dentist's professional judgment is informative and that will be understood by the patient, of at least the following:

A. The intended use of mercury or mercury amalgam;

B. The potential advantages and disadvantages to the use of the mercury or mercury amalgam that relate to health, human biological and environmental issues; and

C. Other options for completing the dental procedure.

SUMMARY

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This bill requires informed consent from the patient for a dental procedure involving the use of mercury or mercury amalgam, including information on the intended use, potential advantages and disadvantages and other options for completing the dental procedure.