

MAINE STATE LEGISLATURE

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M
R.O.S.

L.D. 2216

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DATE: *April 24, 2002*

(Filing No. S-*625*)

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
SECOND REGULAR SESSION**

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16 SENATE AMENDMENT "*A*" to H.P. 1741, L.D. 2216, Bill, "An Act
to Correct Recently Enacted Legislation"

18 Amend the bill by inserting after section 14 the following:

20 'Sec. 15. 32 MRSA §1094-C, as enacted by PL 2001, c. 385, §1,
is amended to read:

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24 **§1094-C. Brochure and poster**

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34 **1. Display.** Beginning July 1, 2002, a dentist who uses
mercury or a mercury amalgam in any dental procedure shall
display the poster adopted by the Department of Human Services,
Bureau of Health under this section in the public waiting area of
that dentist's office and must provide each patient with a copy
of the brochure adopted by the bureau under this section. The
Department of Human Services shall also post on its publicly
accessible site on the Internet a copy of the brochure that is
suitable for downloading and printing by dentists, patients and
other interested parties.

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42 **2. Rules.** The Director of the Bureau of Health within the
Department of Human Services shall develop a brochure that
explains the potential advantages and disadvantages to oral
health, overall human health and the environment of using mercury
or mercury amalgam in dental procedures. The brochure must
describe what alternatives are available to mercury amalgam in
various dental procedures and what potential advantages and
disadvantages are posed by the use of those alternatives. The

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brochure may also include other information that contributes to the patient's ability to make an informed decision when choosing between the use of mercury amalgam or an alternative material in a dental procedure, including, but not limited to, information on the durability, cost, aesthetic quality or other characteristics of the mercury amalgam and alternative materials. The director shall also develop a poster that informs patients of the availability of the brochure.

The Director of the Bureau of Health shall, in consultation with the Department of Environmental Protection, adopt the brochure and the poster described in this subsection as major substantive rules pursuant to Title 5, chapter 375, subchapter II-A. The brochure and poster must be provisionally adopted and submitted to the Legislature for consideration during the Second Regular Session of the 120th Legislature. ~~Copies of the brochure and one poster must be provided to dentists in the State at cost.~~

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

FISCAL NOTE

This amendment makes changes to the underlying statute requiring the Bureau of Health within the Department of Human Services to print and distribute a patient brochure and poster on dental amalgam and alternatives. These changes reduce the bureau's requirement for printing and distributing the brochure so that it will only be required to print and distribute approximately 500 copies each of the brochure and poster. The amendment adds a requirement for the bureau to post a copy of the brochure on its publicly accessible site on the Internet.

The Bureau of Health will incur some minor additional costs to post a copy of the brochure on its publicly accessible site on the Internet. These costs can be absorbed within the department's existing budgeted resources. The amendment also allows the bureau to avoid the fiscal year 2001-02 costs of having to print a sufficient quantity of brochures for all patients and then waiting for dentists to purchase the brochures at cost.

SUMMARY

This amendment requires the Department of Human Services to display a copy of the dental amalgam brochure on its Internet site and deletes language requiring that copies of the poster and

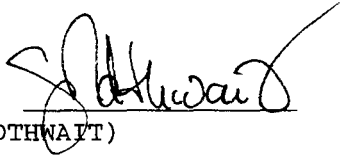
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brochure be provided to dentists at cost.

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This amendment amends the statutes to be consistent with the rules adopted by the Department of Human Services concerning dental amalgam and alternatives.

SPONSORED BY: 
(Senator GOLDTHWAIT)

COUNTY: Hancock

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