

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1327

S.P. 454

In Senate, March 17, 2005

An Act To Prohibit the Use of Mercury Fillings

Reference to the Committee on Natural Resources 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 MARTIN of Aroostook.

Cosponsored by Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, DAMON of Hancock, STRIMLING of Cumberland, Representatives: ADAMS of Portland, TWOMEY of Biddeford.

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

Sec. 1. 38 MRSA §1667-A is enacted to read:

§1667-A. Transition to mercury-free dentistry

1. Filling material; consumer choice. By July 1, 2006, all state and local government dental plans, Medicaid and private-sector dental plans must provide consumer choice in filling materials. If the costs of different kinds of fillings are different, the 3rd-party payor may limit coverage to the cost of the lowest-priced filling. The patient is allowed to have a higher-priced filling and pay the difference.

2. Dental schools. Beginning in January 2006, schools that offer training in dentistry, including dental hygiene and dental assisting, shall teach the risks of exposure to mercury in dental offices and dental laboratories.

3. Immunity from liability. Dentists and dental offices as defined in section 1667, subsection 2 have immunity from liability as a result of any mercury fillings placed in patients' teeth through June 30, 2006 if the dentists give to patients, as required by law, the disclosure statement, "Fillings: The Choice You Have: Mercury Amalgam and Other Filling Materials," published by the Department of Health and Human Services, Bureau of Health. This immunity does not exist with respect to any mercury amalgam placed in patients' teeth after June 30, 2006.

4. Prohibited. After January 1, 2007, a dentist or a dental office in the State may not place a mercury filling in a tooth of a child who has not reached 6 years of age or in a tooth of a pregnant woman. After January 1, 2008, a dentist or a dental office in the State may not place mercury fillings in patients' teeth.

This section does not apply to manufacturers of mercury amalgam or national or state dental associations.

SUMMARY

This bill requires the elimination of mercury in dental offices over a 3-year period. The bill also requires dental schools to include in their curricula by January 2006 the risks of exposure to mercury.

The bill also requires a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings.