

SENATE BILL No. 1310

May 8, 2008, Introduced by Senators RICHARDVILLE, PATTERSON, VAN WOERKOM, JANSEN, KAHN, PAPPAGEORGE, CHERRY, WHITMER and HUNTER and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16631.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16631. (1) EXCEPT AS OTHERWISE PROVIDED, THIS SECTION
2 APPLIES TO A DENTIST WHO USES DENTAL AMALGAM AND TO A DENTIST WHO
3 REMOVES DENTAL AMALGAM. THIS SECTION DOES NOT APPLY TO ANY OF THE
4 FOLLOWING:

5 (A) ORAL AND MAXILLOFACIAL SURGEONS.

6 (B) ORAL AND MAXILLOFACIAL RADIOLOGISTS.

7 (C) ORAL PATHOLOGISTS.

8 (D) ORTHODONTISTS.

9 (E) PERIODONTISTS.

10 (F) DENTISTS WHILE PROVIDING SERVICES IN A DENTAL SCHOOL OR IN

1 A HOSPITAL.

2 (2) ON OR BEFORE DECEMBER 31, 2013, A DENTIST DESCRIBED IN
3 SUBSECTION (1) SHALL INSTALL OR HAVE INSTALLED AND USE ON EACH
4 WASTEWATER DRAIN IN THE DENTIST'S OFFICE THAT IS USED TO DISCHARGE
5 DENTAL AMALGAM A SEPARATOR THAT HAS AN EFFICIENCY OF 95% OR MORE AS
6 DETERMINED THROUGH TESTING IN ACCORDANCE WITH STANDARDS PUBLISHED
7 BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION IN ISO
8 11143:1999 "DENTAL EQUIPMENT -- AMALGAM SEPARATORS".

9 (3) ON OR BEFORE THE EXPIRATION OF 90 DAYS AFTER THE EFFECTIVE
10 DATE OF THIS SECTION, THE MICHIGAN BOARD OF DENTISTRY SHALL
11 PROMULGATE RULES REGARDING BEST MANAGEMENT PRACTICE FOR DENTAL
12 AMALGAM COLLECTION, DISPOSAL, AND RECYCLING AND THE RETENTION AND
13 INSPECTION OF DENTAL OFFICE RECORDS REGARDING THE FOLLOWING:

14 (A) THE TYPE OF DENTAL AMALGAM SEPARATOR INSTALLED AND IN USE
15 IN THE OFFICE.

16 (B) THE METHOD USED TO DISPOSE OF OR RECYCLE THE DENTAL
17 AMALGAM WASTE COLLECTED.

18 (C) THE SHIPPING OR OTHER DELIVERY RECORDS DOCUMENTING THE
19 TRANSFER OF THE DENTAL AMALGAM WASTE COLLECTED TO LICENSED
20 RECYCLERS OR DISPOSERS.

21 (D) THE MAINTENANCE OF THE DENTAL AMALGAM SEPARATOR.

22 (E) COMPLIANCE WITH BEST MANAGEMENT PRACTICES.

23 (4) A VIOLATION OF SUBSECTION (1) OR (2) OR A RULE PROMULGATED
24 UNDER SUBSECTION (3) IS A VIOLATION OF SECTION 16221(H).

25 (5) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THIS
26 SECTION PREEMPTS AND SUPERSEDES ANY LOCAL ORDINANCE, REGULATION, OR
27 RESOLUTION THAT IMPOSES CONFLICTING, DIFFERENT, OR ADDITIONAL

1 STANDARDS OR REQUIREMENTS ON DENTISTS THAN THOSE CONTAINED IN THIS
2 SECTION OR RULES PROMULGATED BY THE BOARD UNDER THIS SECTION. A
3 LOCAL UNIT OF GOVERNMENT SHALL NOT ENACT, ADOPT, MAINTAIN, OR
4 ENFORCE AN ORDINANCE, REGULATION, OR RESOLUTION THAT IMPOSES
5 CONFLICTING, DIFFERENT, OR ADDITIONAL STANDARDS OR REQUIREMENTS ON
6 DENTISTS THAN THOSE CONTAINED IN THIS SECTION OR RULES PROMULGATED
7 BY THE BOARD UNDER THIS SECTION, INCLUDING, BUT NOT LIMITED TO, THE
8 REQUIREMENT TO OBTAIN A PERMIT THAT LIMITS THE DISCHARGE OF MERCURY
9 INTO WASTEWATER WITH A LIMITATION GREATER THAN THAT CAPABLE OF
10 BEING ACHIEVED BY FULL COMPLIANCE WITH THIS SECTION.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. 1309

13 of the 94th Legislature is enacted into law.