

SENATE BILL 5066

State of Washington

58th Legislature

2003 Regular Session

By Senators Swecker, Fraser and Rasmussen

Read first time 01/14/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the use of dental restorative materials  
2 containing mercury in the practice of dentistry; adding new sections to  
3 chapter 18.32 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.32 RCW  
6 to read as follows:

7 (1) A dentist shall obtain a written informed consent from each  
8 patient prior to any dental procedure or treatment that includes the  
9 use of dental restorative materials that contain mercury. The written  
10 informed consent form must be substantially in the following form in at  
11 least twelve-point type:

12 "INFORMED CONSENT FOR DENTAL MATERIALS CONTAINING MERCURY

13 Patient's name:

14 \_\_\_\_\_

15 Date of procedure and/or treatment:

16 \_\_\_\_\_

17 Dentist's name performing procedure and/or treatment:

18 \_\_\_\_\_

1 Brand name, trade name, and commonly used name of dental material  
2 containing mercury:

3 \_\_\_\_\_

4 Lot # of product:

5 \_\_\_\_\_

6 NOTICE: The above-identified dental material contains mercury. The  
7 United States government has published the following facts about  
8 mercury:

9 1. Mercury vapor is released from dental materials containing mercury  
10 which is the number one source of mercury in the human body. (*World*  
11 *Health Organization, Document No. 118 (1991).*)

12 2. The human nervous system is very sensitive to all forms of mercury.

13 3. Metal vapors are more harmful than other forms of mercury, because  
14 more mercury in this form reaches the brain.

15 4. Exposure to mercury can permanently damage the brain, kidneys, and  
16 developing fetus.

17 5. The effects of mercury on brain function may include irritability,  
18 shyness, tremors, changes in vision or hearing, and memory problems.

19 6. Short-term exposure to high levels of metallic mercury vapors may  
20 cause effects including lung damage, nausea, vomiting, diarrhea,  
21 increases in blood pressure or heart rate, skin rashes, and eye  
22 irritation.

23 7. Fetuses and very young children are more sensitive to mercury than  
24 adults. Mercury in the mother's body passes into the fetus and can  
25 pass to a nursing infant through breast milk.

26 8. The harmful effects of mercury that may be passed from the mother to  
27 the developing fetus include brain damage, mental retardation,  
28 incoordination, blindness, seizures, and an inability to speak.  
29 Children poisoned by mercury may develop problems of their nervous and  
30 digestive systems and kidney damage.

31 The description of the effects of mercury set out in facts 2-8 above is  
32 excerpted from the *United States Agency for Toxic Substances and*  
33 *Disease Registry (ATSDR), 1999, Toxicological Profile for Mercury.*

1 Atlanta, GA: U.S. Department of Health and Human Services, Public  
2 Health Service. The complete profile is found at:  
3 [www.atsdr.cdc.gov/tfacts46.html](http://www.atsdr.cdc.gov/tfacts46.html)

4 Patient acknowledgment:

5 My signature below means that I have read and understood this  
6 description of the effects of mercury as set out in this informed  
7 consent form. I consent to the use of the above-listed dental material  
8 containing mercury and release my dentist from any liability for harm  
9 to me from the identified dental filling material. I have also been  
10 provided with a signed copy of this form to take home with me.

11 Patient's signature or guardian's signature:

12 \_\_\_\_\_

13 If patient is a minor or incapacitated, name of patient:

14 \_\_\_\_\_

15 Treating dentist's signature:

16 \_\_\_\_\_"

17 (2) A copy of the signed informed consent form must be provided to  
18 the patient. The original signed informed consent form must be placed  
19 in the dental chart of the patient for as long as the dentist retains  
20 the dental chart for the patient.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.32 RCW  
22 to read as follows:

23 Any dentist who removes dental restorative materials containing  
24 mercury from a patient's teeth shall disclose the health risks of  
25 removal.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.32 RCW  
27 to read as follows:

- 28 (1) There may be no disciplinary action against a dentist who:  
29 (a) Gives a dental patient information about the risks or benefits  
30 of any dental restorative materials or dental procedures as long as  
31 there is a peer-reviewed scientific publication and one other dentist  
32 to support the information;  
33 (b) Removes or places any professionally recognized restorative  
34 dental material with the informed consent of the patient; or

1 (c) Fails to conform to policies or codes of private organizations  
2 that are inconsistent with state law.

3 (2) Nothing in this section may be construed to allow a dentist to  
4 defraud a patient.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.32 RCW  
6 to read as follows:

7 (1) Every dental office that uses dental restorative materials  
8 containing mercury or removes these materials from the teeth of  
9 patients must install mercury separators on any wastewater drain  
10 through which mercury containing materials pass. The mercury separator  
11 must be certified by its manufacturer utilizing the best available  
12 technology.

13 (2) Dental materials containing mercury, whether restorative  
14 materials removed from patients' teeth or excess material from new  
15 restorations, must be placed in a vapor-proof container clearly labeled  
16 as containing mercury and must be treated as hazardous waste and  
17 disposed of in accordance with federal and state law. The material may  
18 not be placed in biohazard bags intended for incineration.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.32 RCW  
20 to read as follows:

21 The Washington state dental quality assurance commission shall  
22 adopt rules to implement the provisions of this act.

23 NEW SECTION. **Sec. 6.** This act takes effect September 1, 2003.

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