

SUBSTITUTE FOR
HOUSE BILL NO. 6307

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.

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(F) DENTISTS WHILE PROVIDING SERVICES IN A DENTAL SCHOOL[,] IN
A HOSPITAL[, OR THROUGH A LOCAL HEALTH DEPARTMENT] .

(2) ON OR BEFORE DECEMBER 31, 2013, A DENTIST DESCRIBED IN
SUBSECTION (1) SHALL INSTALL OR HAVE INSTALLED AND USE ON EACH
WASTEWATER DRAIN IN THE DENTIST'S OFFICE THAT IS USED TO DISCHARGE
DENTAL AMALGAM A SEPARATOR THAT HAS AN EFFICIENCY OF 95% OR MORE AS
DETERMINED THROUGH TESTING IN ACCORDANCE WITH STANDARDS PUBLISHED
BY THE INTERNATIONAL ORGANIZATION FOR STANDARDIZATION IN ISO
[11143:2008] "DENTAL EQUIPMENT -- AMALGAM SEPARATORS".

(3) ON OR BEFORE THE EXPIRATION OF 90 DAYS AFTER THE EFFECTIVE
DATE OF THIS SECTION, THE [DEPARTMENT, IN CONSULTATION WITH THE
DEPARTMENT OF ENVIRONMENTAL QUALITY,] SHALL
PROMULGATE RULES REGARDING BEST MANAGEMENT PRACTICE FOR DENTAL
AMALGAM COLLECTION, DISPOSAL, AND RECYCLING AND THE RETENTION AND
INSPECTION OF DENTAL OFFICE RECORDS REGARDING THE FOLLOWING:

(A) THE [MAKE, MODEL, AND] TYPE OF DENTAL AMALGAM SEPARATOR
INSTALLED AND IN USE
IN THE OFFICE.

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

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

(D) THE [PROPER OPERATION] OF THE DENTAL AMALGAM SEPARATOR[,
INCLUDING SCHEDULED MAINTENANCE AS SPECIFIED IN THE MANUFACTURER'S
OWNER'S MANUAL FOR THAT SEPARATOR] .

(E) COMPLIANCE WITH [DENTAL AMALGAM] BEST MANAGEMENT PRACTICES.

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

(5) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION [AND SUBJECT TO
THIS SUBSECTION] , THIS
SECTION PREEMPTS AND SUPERSEDES ANY LOCAL ORDINANCE, REGULATION, OR

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as amended December 18, 2008

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