

Act No. 503  
Public Acts of 2008  
Approved by the Governor  
January 12, 2009  
Filed with the Secretary of State  
January 13, 2009  
EFFECTIVE DATE: January 13, 2009

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

Introduced by Reps. Donigan, Polidori, Condino, Alma Smith and Leland

# **ENROLLED HOUSE BILL No. 6307**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 16631.

*The People of the State of Michigan enact:*

Sec. 16631. (1) Except as otherwise provided, this section applies to a dentist who uses dental amalgam and to a dentist who removes dental amalgam. This section does not apply to any of the following:

- (a) Oral and maxillofacial surgeons.
- (b) Oral and maxillofacial radiologists.
- (c) Oral pathologists.
- (d) Orthodontists.
- (e) Periodontists.
- (f) Dentists while providing services in a dental school, in a hospital, or through a local health department.

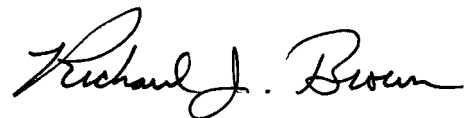
(2) On or before December 31, 2013, a dentist described in subsection (1) shall install or have installed and use on each wastewater drain in the dentist's office that is used to discharge dental amalgam a separator that has an efficiency of 95% or more as determined through testing in accordance with 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

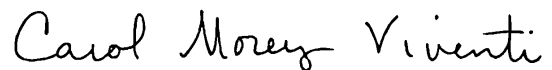
amalgam collection, disposal, and recycling and the retention and inspection of dental office records regarding the following:

- (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 resolution that imposes conflicting, different, or additional standards or requirements on dentists than those contained in this 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 local unit of government shall not enact, adopt, maintain, or enforce an ordinance, regulation, or resolution that imposes conflicting, different, or additional standards or requirements on dentists than those contained in this section or rules promulgated by the board under this section, including, but not limited to, the requirement to obtain a permit that limits the discharge of mercury into wastewater with a limitation greater than that capable of being achieved by full compliance with this section.

This act is ordered to take immediate effect.



\_\_\_\_\_  
Clerk of the House of Representatives



\_\_\_\_\_  
Secretary of the Senate

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor