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COMMITTEE REPORT

March 26, 2014

**H. 3949**

Introduced by Reps. Felder, Spires, Southard, Allison, Erickson, Gagnon, George, Hayes, Horne, Norman, Powers Norrell, Simrill and Wells

S. Printed 3/26/14--H.

Read the first time April 16, 2013.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3949) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑15‑93 so as to define the term “tooth whitening”; to amend Section 4-15-70, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Labor, Licensing and Regulation estimates this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑15‑93 SO AS TO DEFINE THE TERM “TOOTH WHITENING”; TO AMEND SECTION 40‑15‑70, RELATING TO THE PRACTICE OF DENTISTRY, SO AS TO INCLUDE TOOTH WHITENING WITHIN THE PRACTICE OF DENTISTRY; AND TO AMEND SECTION 40‑15‑102, RELATING TO THE FUNCTIONS A DENTAL HYGIENIST MAY PERFORM IN A PRIVATE DENTAL OFFICE, SO AS TO INCLUDE TOOTH WHITENING.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 15, Title 40 of the 1976 Code is amended by adding:

“Section 40‑15‑93. For the purposes of this chapter, ‘tooth whitening’ means the practice of whitening a tooth beyond its natural color by use of a dental bleaching agent that contains more than ten percent carbide peroxide or more than five percent hydrogen peroxide. The term also may include the use of light energy to accelerate dental bleaching. Tooth whitening does not include the use of over‑the‑counter tooth whitening products.”

SECTION 2. Section 40‑15‑70 of the 1976 Code is amended to read:

“Section 40‑15‑70. A person is practicing dentistry who:

(1) uses the word ‘dentist’, ‘dental surgeon’, or the letters ‘D.D.S.’, ‘D.M.D.’, or other letters or titles in connection with his name which in any way represents him as engaging in the practice of dentistry or in the administration of any dental health program; or

(2) for a fee or other consideration:

(a) ~~shall profess or indicate~~ professes or indicates in any manner that he can or will attempt to perform dental procedures in the oral cavity and associated adjacent structures; or

(b) ~~shall diagnose or treat or profess~~ diagnoses, treats, or professes to diagnose or treat any diseases ~~or~~, lesions, or conditions of the oral cavity and associated adjacent structures; or

(c) ~~shall extract~~ extracts teeth, ~~correct~~ corrects malpositions of the teeth or jaws, ~~or take~~ takes impressions, or ~~construct, supply, repair, reline, or duplicate~~ constructs, supplies, repairs, relines, or duplicates artificial teeth as substitutes for natural teeth, or ~~adjust~~ adjusts such substitutes, or ~~do~~ does any practice included in the curricula of dental colleges accredited by the Commission on Dental Accreditation, or ~~administer~~ administers or ~~prescribe~~ prescribes drugs or therapy ~~utilized~~ used in the treatment of dental or oral diseases, or ~~shall use~~ uses X ray for dental treatment or dental diagnostic purposes, or ~~shall administer~~ administers anesthetics, local or general, for dental procedures; ~~or~~

(d) ~~shall teach~~ teaches or ~~profess~~ professes to teach any phase of dental practice or related procedures; or

(e) performs tooth whitening as defined in Section 40‑15‑93.”

SECTION 3. Section 40‑15‑102(B) of the 1976 Code is amended to read:

“(B) In a private dental office setting, a dental hygienist may only perform the following functions under general supervision:

(1) oral prophylaxis and assessment;

(2) fluoride treatment;

(3) oral hygiene instruction and education;

(4) exposure and process of radiographs as directed by standard office protocol; or

(5) tooth whitening as defined in Section 40‑15‑93.”

SECTION 4. This act takes effect upon approval by the Governor.

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