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# HOUSE CONCURRENT RESOLUTION

REQUESTING A SUNRISE REVIEW OF REGULATING PRACTITIONERS OF  
TEETH-WHITENING.

1 WHEREAS, the Legislature considers maintaining the health  
2 of Hawaii's people to be one of its most important missions; and  
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4 WHEREAS, oral health is one of the best indicators of a  
5 person's overall health, and the proper use of dental procedures  
6 is an important criteria in determining how dental services  
7 should be delivered; and  
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9 WHEREAS, procedures used to treat consumers' dental needs  
10 should be conducted by trained individuals to ensure the health  
11 and safety of the public; and  
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13 WHEREAS, recently, numerous kiosks have appeared in malls  
14 and other shopping areas to provide teeth-whitening procedures  
15 to the public; and  
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17 WHEREAS, at these kiosks individuals who have no formal  
18 training, certification, or licensure in medicine, dentistry, or  
19 other health care profession provide teeth-whitening services by  
20 applying strong chemicals to the teeth of their customers; and  
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22 WHEREAS, the procedures used in these teeth-whitening  
23 kiosks do not adequately protect customers from contamination  
24 caused by inadequate sterilization of teeth-whitening appliances  
25 that are used multiple times among different customers; and  
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27 WHEREAS, numerous dentists have reported patients who had  
28 suffered burned gums and other parts of the mouth, as well as  
29 choking incidents, because whitening chemicals applied at the  
30 kiosks were not properly applied or were allowed to overflow,  
31 into the patient's mouth from the appliances used during the  
32 whitening process; and

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2 WHEREAS, dentists have also reported that their patients  
3 have suffered unnecessarily because the application of teeth-  
4 whitening chemicals by kiosk operators has masked decay and  
5 other problems, resulting in delayed treatment and extensive  
6 damage to teeth at greater cost to the patient; and  
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8 WHEREAS, many customers of teeth-whitening kiosks have  
9 reported damage to the appearance of their teeth, including  
10 having their upper and lower teeth turn different shades after  
11 the procedure; and  
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13 WHEREAS, other states have adopted laws limiting the  
14 application of potentially dangerous teeth-whitening agents to  
15 licensed dentists and licensed dental hygienists; and  
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17 WHEREAS, section 26H-6, Hawaii Revised Statutes, requires a  
18 review by the Auditor before enactment of a measure that would  
19 subject an unregulated profession or vocation to licensing or  
20 other regulatory control; and  
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22 WHEREAS, Senate Bill No.51, S.D. 1, H.D. 1, introduced in  
23 the 2009 Regular Session, calls for regulating the practice of  
24 teeth-whitening; now, therefore,  
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26 BE IT RESOLVED by the House of Representatives of the  
27 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
28 of 2009, the Senate concurring, that the Auditor is requested to  
29 perform a sunrise review regarding the regulation of persons who  
30 engage in the practice of teeth-whitening; and  
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32 BE IT FURTHER RESOLVED that the Auditor is requested to  
33 submit findings and recommendations, including any proposed  
34 legislation to the Legislature not later than twenty days prior  
35 to the convening of the Regular Session of 2010; and  
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37 BE IT FURTHER RESOLVED that a certified copy of this  
38 Concurrent Resolution be transmitted to the Auditor.