

Honolulu, Hawaii

FEB 13 2009

RE: S.B. No. 51

S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 51  
entitled:

"A BILL FOR AN ACT RELATING TO DENTISTRY,"

begs leave to report as follows:

The purpose of this measure is to protect public health by  
including tooth whitening services in the definition of the  
practice of dentistry.

Your Committee received testimony in support of this measure  
from the Hawaii Dental Association and the Board of Dental  
Examiners. The Department of Commerce and Consumer Affairs  
submitted testimony in support of this measure with amendments.

Your Committee finds that teeth whitening services are being  
provided by businesses that are not licensed to practice  
dentistry. Including teeth whitening services in the definition  
of the practice of dentistry will enable the Department of  
Commerce and Consumer Affairs to facilitate effective enforcement  
of businesses engaged in the unlicensed practice of dentistry.

Your Committee has amended this measure by adopting the  
recommendations of the Department of Commerce and Consumer Affairs  
by clarifying that:

- (1) The practice of dentistry includes the offer to perform  
or the performance of any phase of any operation  
incident to teeth whitening, including the instruction




or application of teeth whitening materials or procedures at any location; and

- (2) "Teeth whitening" means any process performed by one individual upon another individual to whiten or lighten the appearance of human teeth by the application of chemicals, whether or not in conjunction with a light source.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 51, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 51, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB 51</b>	Committee Referral: <b>HTH, CPN</b>	Date: <b>2/6/9</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
IGE, David Y. (C)	✓			
GREEN, M.D., Josh (VC)	✓			
BAKER, Rosalyn H.	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.				✓
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes