

JAN 20 2010

A BILL FOR AN ACT

RELATING TO DENTISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 448-1, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§448-1 Dentistry defined; exempted practices.** (a) A
4 person practices dentistry, within the meaning of this chapter,
5 who represents oneself as being able to diagnose, treat, operate
6 or prescribe for any disease, pain, injury, deficiency,
7 deformity, or physical condition of the human teeth, alveolar
8 process, gums, or jaw, or who offers or undertakes by any means
9 or methods to diagnose, treat, operate or prescribe for any
10 disease, pain, injury, deficiency, deformity, or physical
11 condition of the same, or to take impressions of the teeth or
12 jaws; or who owns, maintains, or operates an office for the
13 practice of dentistry; or who engages in any of the practices
14 included in the curricula of recognized and approved dental
15 schools or colleges. Dentistry includes that part of health
16 care concerned with the diagnosis, prevention, and treatment of
17 diseases of the teeth, oral cavity, and associated structures



1 including the restoration of defective or missing teeth.
2 Dentistry also includes offering to perform or performing any
3 phase of any operation incident to teeth whitening, including
4 the instruction or application of teeth whitening materials or
5 procedures at any geographic location. For purposes of this
6 subsection, "teeth whitening" means any process performed by one
7 individual upon another individual to whiten or lighten the
8 appearance of human teeth by the application of chemicals,
9 whether or not in conjunction with a light source.

10 The fact that a person uses any dental degree, or
11 designation, or any card, device, directory, poster, sign, or
12 other media whereby one represents oneself to be a dentist,
13 shall be prima facie evidence that the person is engaged in the
14 practice of dentistry.

15 (b) The following practices, acts, and operations,
16 however, are exempt from the operation of this chapter:

17 (1) The rendering of dental relief in emergency cases in
18 the practice of one's profession by a physician or
19 surgeon, licensed as such and registered under the
20 laws of this State, unless one undertakes to reproduce
21 or reproduces lost parts of the human teeth in the



- 1 mouth or to restore or replace in the human mouth lost
2 or missing teeth;
- 3 (2) The practice of dentistry in the discharge of their
4 official duties by dentists in the United States Army,
5 the United States Navy, the United States Air Force,
6 the United States Public Health Service, or the United
7 States Veterans Administration;
- 8 (3) The practice of dentistry by licensed dentists of
9 other states or countries at meetings of the Hawaii
10 Dental Association or component parts thereof, alumni
11 meetings of dental colleges, or any other like dental
12 organizations, while appearing as clinicians;
- 13 (4) The use of roentgen and other rays for making
14 radiograms or similar records of dental or oral
15 tissues;
- 16 (5) The making of artificial restorations, substitutes,
17 appliances, or materials for the correction of
18 disease, loss, deformity, malposition, dislocation,
19 fracture, injury to the jaws, teeth, lips, gums,
20 cheeks, palate, or associated tissues, or parts, upon
21 orders, prescription, casts, models, or from



1 impressions furnished by a Hawaii licensed dentist;

2 and


3 (6) The ownership and management of a dental practice by
4 the executor or administrator of a dentist's estate or
5 the legal guardian or authorized representative of a
6 dentist, where the licensed dentist has died or is
7 incapacitated, for the purpose of winding down,
8 transferring, or selling the practice, for a period
9 not to exceed one year from the time of death or from
10 the date the dentist is declared incapacitated;
11 provided that all other aspects of the practice of
12 dentistry are performed by one or more licensed
13 dentists."

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19 INTRODUCED BY:



Report Title:

Dentistry; Teeth Whitening

Description:

Redefines the practice of dentistry to include teeth whitening.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

