

Proposed Amendments to Bill No. 040904

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by adding a new Chapter requiring dentists to post and distribute certain information concerning the use of mercury in dental procedures, and requiring dentists to install systems that permit the recycling of mercury waste; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-3100. USE OF MERCURY IN DENTISTRY.

§9-3101. Definitions. For purposes of this Chapter, the following definitions shall apply:

- (1) Department. The Department of Public Health.
- (2) Dental office. Any dental clinic, dental office or dental practice.
- (3) Dental Amalgam. Dental amalgam is a dental filling material containing a mix of approximately 43 percent to 54 percent mercury with other metals, including silver, copper and tin.

§9-3102. Official Dental Amalgam Brochure.

- (1) Within six (6) months of the effective date of this Chapter:
 - (a) The Board of Health, after consultation with the Philadelphia Dental Society, the New Era Dental Society and Consumers for Dental Choice, shall adopt, by regulation, a brochure, subject to City Council approval, that explains the potential advantages and disadvantages to oral health, overall human health and the environment of using dental amalgam which contains mercury in dental procedures, describes what alternatives are available to dental amalgam which contains mercury in various dental procedures and what potential advantages and disadvantages are posed by the use of those alternatives, and includes such other information the Board of Health believes will contribute to a patient’s ability to make an informed decision when choosing between the use of dental amalgam which contains mercury or an alternative material in a dental procedure, including, but not limited to, information on the durability, cost, aesthetic quality or other characteristics of the dental amalgam which contains mercury and alternative materials; and
 - (b) The Department shall arrange for the publication on the City’s official Internet site of a copy of the brochure suitable for downloading and printing by dentists, patients and other interested parties.
- (2) Within thirty (30) days of the adoption of the regulations required by subsection (1), the Department shall use best efforts to notify, both by published advertisements and by direct mailing, all dental offices located within the City of the adoption of such regulations, how

the required brochures may be obtained, and of the requirements of §9-3103, provided that the failure of the Department to notify a dental office shall not be a defense to a violation of §9-3103.

§9-3103. Required Distribution.

(1) No later than one hundred twenty (120) days after the date the regulations required by §9-3102 are adopted, a dentist who uses dental amalgam which contains mercury in any dental procedure shall provide, at least one time, to each patient a copy of the brochure adopted by such regulations and a statement that shall be signed by both the dentist and the patient, or the patient's representative, stating that the brochure has been provided to the patient in accordance with the provisions of this Section.

§9-3104. Exemptions.

(1) The following dental offices shall be exempt from the requirements of Section 9-3103:

(a) Any dental practice limited to oral and maxillofacial surgery, oral medicine, oral pathology, orthodontics, periodontics or radiology.

SECTION 2. This Ordinance shall take effect immediately.