

1 H.734

2 Introduced by Representative Klein of East Montpelier

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; public health; mercury; dental

6 amalgam

7 Statement of purpose of bill as introduced: This bill proposes to require

8 manufacturers of mercury-containing dental amalgam to phase down the use of

9 mercury-containing dental amalgam in the State.

10 An act relating to reduction of mercury-containing dental amalgam

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 10 V.S.A. chapter 164B is added to read:

13 CHAPTER 164B. REDUCTION OF DENTAL AMALGAM

14 § 7171. PURPOSE

15 The purpose of this chapter shall be to adopt as the State policy of Vermont

16 the commitment of the United States to ratify the Minamata Convention on

17 Mercury and take steps to phase down dental amalgam use in the State.

18 § 7172. DEFINITIONS

19 As used in this chapter:

20 (1) "Agency" means the Agency of Natural Resources.

1 (2) “Dental amalgam,” “amalgam,” or “mercury-containing dental
2 amalgam” means a mixture of mercury and silver alloy that forms a hard solid
3 metal dental restorative material, including mercury and silver alloy
4 precapsulated and ready for mixing.

5 (3) “Manufacturer” means a person who:

6 (A) manufactures or manufactured dental amalgam under its own
7 brand or label for sale in the State;

8 (B) sells in the State under its own brand or label dental amalgam
9 produced by another supplier;

10 (C) owns a brand that it licenses or licensed to another person for use
11 on dental amalgam sold in the State;

12 (D) imports into the United States for sale in the State dental
13 amalgam manufactured by a person without a presence in the United States;

14 (E) manufactures dental amalgam for sale in the State without
15 affixing a brand name; or

16 (F) assumes the responsibilities, obligations, and liabilities of a
17 manufacturer as defined under subdivisions (A) through (E) of this subdivision
18 (3), provided that the Secretary may enforce the requirements of this chapter
19 against a manufacturer defined under subdivisions (A) through (E) of this
20 subdivision (3) if a person who assumes the manufacturer’s responsibilities
21 fails to comply with the requirements of this chapter.

1 (4) “Secretary” means the Secretary of Natural Resources.

2 (5) “Sell” or “sale” means any transfer for consideration of title or of the
3 right to use by lease or sales contract dental amalgam to a person in the State
4 of Vermont.

5 § 7173. SALE OF DENTAL AMALGAM

6 (a) Phase down plan. By September 30, 2015, manufacturers or
7 wholesalers of dental amalgam who do business in Vermont shall submit to the
8 Secretary a plan to phase down dental amalgam use in State.

9 (b) Sale of dental amalgam. A manufacturer who fails to submit a plan
10 under subsection (a) of this section shall not be allowed to sell dental amalgam
11 in the State.

12 (c) Beginning March 30, 2016 and annually thereafter, until dental
13 amalgam is no longer used, a manufacturer of dental amalgam who sells dental
14 amalgam in Vermont shall report to the Secretary the amount of mercury in
15 dental amalgam sold by the manufacturer in the State in the previous calendar
16 year. The Secretary shall post the information received under this subsection
17 on the Agency of Natural Resources website.

18 § 7174. RULEMAKING

19 The Secretary may adopt rules to implement the requirements of this
20 chapter.

