ASSEMBLY, No. 4419

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED DECEMBER 15, 2016

Sponsored by:
Assemblyman DECLAN J. O'SCANLON, JR.
District 13 (Monmouth)

Co-Sponsored by:
Assemblywoman Handlin

SYNOPSIS
Prohibits licensure of persons performing teeth whitening services.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 1/11/2017)
AN ACT concerning the practice of teeth whitening and amending R.S.45:6-19.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. R.S.45:6-19 is amended to read as follows:

   45:6-19. Any person shall be regarded as practicing dentistry within the meaning of this chapter who

   (1) Uses a dental degree, or the terms "mechanical dentist" or the use of the word "dentist" in English or any foreign language, or designation, or card, device, directory, poster, sign, or other media whereby he represents himself as being able to diagnose, treat, prescribe or operate for any disease, pain, deformity, deficiency, injury, or physical condition of the human tooth, teeth, alveolar process, gums, cheek, or jaws, or oral cavity and associated tissues; or

   (2) Is a manager, proprietor, operator, or conductor of a place where dental operations are performed; or

   (3) Performs dental operations of any kind gratuitously, or for a fee, gift, compensation or reward, paid or to be paid, either to himself or to another person or agency; or

   (4) Uses himself or by any employee, uses a Roentgen or X-ray machine for dental treatment, dental radiograms, or for dental diagnostic purposes; or

   (5) Extracts a human tooth or teeth, or corrects or attempts to correct malpositions of the human teeth or jaws; or

   (6) Offers and undertakes, by any means or method, to diagnose, treat or remove stains or concretions from human teeth or jaws; or

   (7) Uses or administers local or general anesthetics in the treatment of dental or oral diseases or in any preparation incident to a dental operation of any kind or character; or

   (8) Takes impressions of the human tooth, teeth, jaws, or performs any phase of any operation incident to the replacement of a part of a tooth, teeth, or associated tissues; or

   (9) Performs any clinical operation included in the curricula of recognized dental schools or colleges.

   The terms manager, proprietor, operator or conductor as used in this chapter shall be deemed to include any person who

   (1) Employs operators or assistants; or

   (2) Places in the possession of any operator, assistant, or other agent such dental material or equipment as may be necessary for the management of a dental office on the basis of a lease or any other agreement for compensation for the use of such material, equipment or office; or

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
(3) Retains the ownership or control of dental material, equipment or office and makes the same available in any manner for the use by operators, assistants or other agents; provided, however, that the above shall not apply to bona fide sales of dental material or equipment secured by chattel mortgage.

The following practices, acts and operations shall not be regarded as practicing dentistry within the meaning of this chapter:

(1) The treatment of the diseases of the mouth and practice of oral surgery, in the practice of his profession, by a physician or surgeon, licensed as such under the laws of this State, unless he undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace lost or missing teeth in the mouth; or

(2) The practice of dentistry in the discharge of their duties by dentists in the United States Army, Navy, United States Public Health Service or [Veterans Bureau] Department of Veterans Affairs; or

(3) The operation of a dental school or college as now conducted and approved, or as may be approved, by the [Board of Dental Examiners] New Jersey State Board of Dentistry; and the practice of dentistry by students in any such dental school or college approved by the board, when acting under the direction and supervision of any registered and licensed dentist acting as instructor; or

(4) The practice of dentistry by licensed dentists of other States or countries at meetings of the American Dental Association or component parts thereof, or any other like dental organizations, while appearing as clinicians; or

(5) The practice of dentistry by accredited internes operating in hospitals under the supervision of registered and licensed dentists; or

(6) The use of Roentgen or other rays for making radiograms or similar records of dental or oral tissues under the supervision of a licensed dentist or physician; provided, however, that such services shall not be advertised, by any name whatsoever, as an aid or inducement to secure dental patronage; and provided, further, that no corporation shall advertise that it has, leases, owns or operates a Roentgen or X-ray machine for the purpose of making dental radiograms of the human teeth or tissues of the oral cavity, or administering treatment thereto for any disease thereof; or

(7) The making of artificial restorations, substitutes, or appliances for the correction of disease, loss, deformity, malposition, dislocation, fracture, or injury to the jaws, teeth, lips, gums, cheeks, palate, or cases, models, or from impressions furnished by a licensed and registered dentist, on written prescription only; provided, that such prosthetic or orthodontic appliances, or the services rendered in the construction, repair, or alteration thereof, shall not be advertised, sold or delivered,
directly or indirectly, to the public by the dental technician or
dental laboratory as principal or agent; or
(8) The practice of teeth whitening when performing that service
for the general public for compensation.
There shall be no requirement for procuring a license to engage
in the practice of teeth whitening under any provision of chapter 6
of Title 45 of the Revised Statutes.
As used in this section:
Practice of teeth whitening” means:
(1) Discussing the use of teeth whitening equipment and teeth
whitening materials with a consumer who is interested in
purchasing equipment or materials;
(2) Providing instruction on the use of teeth whitening
equipment and teeth whitening materials to a consumer who is
using the equipment and materials;
(3) Providing teeth whitening equipment on-site to the consumer
for the consumer to self-apply teeth whitening materials; or
(4) Providing other assistance and instruction before, during,
and after the teeth whitening process, including the adjustment of
chairs, the positioning of teeth whitening lights, and the disposal of
discarded teeth whitening materials.
“Teeth whitening equipment” means teeth whitening trays, teeth
whitening applicator pens, vitamin E swabs, teeth wipes, cheek
retractors, chairs, emesis bowls, and LED whitening lights, except
that an LED whitening light shall not be used for placement in a
consumer’s mouth unless it is covered with a disposable plastic
barrier sleeve. “Teeth whitening equipment” shall not mean any
high temperature lamp, including halogen lamps or lasers.
“Teeth whitening materials” means nonprescription teeth
whitening powders or gels, including those powders or gels that
contain carbamide peroxide, hydrogen peroxide, or other over-the-
counter whitening agents.
(cf: P.L.1942, c.38, s.1)

2. This act shall take effect immediately.

STATEMENT

This bill provides that performing teeth whitening services for
the general public for compensation will not be regarded as
practicing dentistry under the law regulating the licensure and
registration of dentists, dental hygienists, and dental assistants, and
prohibits any requirement for procuring a license to engage in the
practice of teeth whitening
The bill defines “practice of teeth whitening” as:

1. Discussing the use of teeth whitening equipment and teeth whitening materials with a consumer who is interested in purchasing equipment or materials;
2. Providing instruction on the use of teeth whitening equipment and teeth whitening materials to a consumer who is using the equipment and materials;
3. Providing teeth whitening equipment on-site to the consumer for the consumer to self-apply teeth whitening materials; or
4. Providing other assistance and instruction before, during, and after the teeth whitening process, including the adjustment of chairs, the positioning of teeth whitening lights, and the disposal of discarded teeth whitening materials.

Under this bill, a person that engages in the practice of teeth whitening for the general public for compensation will not be regarded as practicing dentistry and will not be required to procure a license to engage in the practice of teeth whitening.