

SUBJECT: Adding teeth whitening to the practice of dentistry

COMMITTEE: Public Health — favorable, without amendment

VOTE: 11 ayes — Kolkhorst, Naishtat, Coleman, Collier, Cortez, S. Davis, Guerra, S. King, Laubenberg, J.D. Sheffield, Zedler

0 nays

WITNESSES: For — Jennifer Bone, Texas Academy of General Dentistry; Mark Peppard, Texas Dental Association; (*Registered, but did not testify*: Stephanie Gibson, Texas Dental Hygienists Association; Tyler Rudd, Texas Academy of Pediatric Dentistry)

Against — None

On — Lisa Jones, Texas State Board of Dental Examiners; (*Registered, but did not testify*: Glenn Parker, Texas State Board of Dental Examiners)

BACKGROUND: Occupations Code, sec. 251.003, defines the practice of dentistry.

DIGEST: HB 502 would include within the practice of dentistry providing, performing, or offering a teeth-whitening treatment or a related product or service. The bill would define teeth-whitening treatment as a chemical or other material, tool, product, service, or procedure intended to whiten human teeth, excluding over-the-counter products sold to a final consumer.

The bill would take effect September 1, 2013.

SUPPORTERS SAY: HB 502 would protect the public by preventing consumer confusion. Businesses such as those found in shopping mall kiosks that solely offer teeth-whitening treatments are often not operated by dental professionals trained to identify medical issues. These operations sometimes market themselves as “clinics” and have employees wearing medical scrubs. HB 502 would ensure that consumers seeking professional teeth-whitening treatments were not misled about an employee’s level of expertise.

The possible side effects of teeth whitening include severe tooth sensitivity, discoloration, chemical burns, and asphyxiation. Dentists recommend a thorough dental exam to identify possible risks and complications before a teeth-whitening procedure.

Although HB 502 could close some businesses, it is more important to prevent consumers from undergoing potentially dangerous teeth-whitening treatments believing they will be warned about the risks and complications. It also would provide an enforcement mechanism against unlicensed operations, enabling harmed individuals to file a formal complaint with the State Board of Dental Examiners.

**OPPONENTS
SAY:**

The bill is unnecessary and could put legal and safe operations out of business, while increasing costs for consumers of teeth-whitening services. Businesses that solely offer teeth-whitening treatments provide consumers with choices and with a less expensive alternative to a dentist for a very similar treatment, and they should not be regulated without compelling evidence that the regulation is necessary.