

CHAPTER 67

**PROFESSIONS AND OCCUPATIONS**

**HOUSE BILL 97-1187**

BY REPRESENTATIVES Paschall, Tupa, Mace, and Pfiffner;  
also SENATORS Mutzebaugh, Hernandez, Congrove, and Duke.

**AN ACT**

CONCERNING THE ABILITY OF DENTISTS TO USE MERCURY AMALGAM AS A DENTAL RESTORATIVE MATERIAL .

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 12-35-118 (1) (ff), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended, and the said 12-35-118 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**12-35-118. Causes for denial of issuance or renewal - suspension or revocation of licenses - other disciplinary action - unprofessional conduct defined - immunity in professional review.** (1) The board may deny the issuance or renewal of, suspend for a specified time period, or revoke any license provided for by this article or may reprimand, censure, or place on probation any licensed dentist or dental hygienist after notice and hearing, which may be conducted by an administrative law judge, pursuant to the provisions of article 4 of title 24, C.R.S., or it may issue a letter of admonition without a hearing (except that any licensed dentist or dental hygienist to whom such a letter of admonition is sent may, within thirty days after the date of the mailing of such letter by the board, request in writing to the board a formal hearing thereon, and the letter of admonition shall be deemed vacated, and the board shall, upon such request, hold such a hearing) for any of the following causes:

(ff) Practicing outside the scope of ~~legitimate~~ dental or dental hygiene practice.

(1.7) (a) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DEPRIVE ANY DENTAL PATIENT OF THE RIGHT TO CHOOSE OR REPLACE ANY PROFESSIONALLY RECOGNIZED RESTORATIVE MATERIAL, NOR TO PERMIT DISCIPLINARY ACTION AGAINST A DENTIST

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SOLELY FOR REMOVING OR PLACING ANY PROFESSIONALLY RECOGNIZED RESTORATIVE MATERIAL.

(b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (1.7) SHALL BE CONSTRUED TO PREVENT DISCIPLINARY ACTION AGAINST A DENTIST FOR PRACTICING DENTISTRY IN VIOLATION OF THIS ARTICLE.

**SECTION 2. Applicability.** This act applies to all dentists licensed to practice dentistry pursuant to article 35 of title 12, Colorado Revised Statutes, who perform dental procedures that involve placement or replacement of dental restorative materials on and after the effective date of this act.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 31, 1997