IN THE HOUSE OF REPRESENTATIVES

Ms. WATSON of California introduced the following bill; which was referred to the Committee on ____________________________

A BILL

To prohibit after 2006 the introduction into interstate commerce of mercury alloy intended for use as a dental amalgam, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Mercury in Dental Fill-

5 ing Disclosure and Prohibition Act”. 
SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Mercury is an acute neurotoxin.

(2) A dental amalgam, commonly referred to as a “silver filling”, consists of 43 to 54 percent mercury.

(3) Each such dental amalgam contains about the same amount of mercury as is present in a mercury thermometer, about $\frac{1}{2}$ to $\frac{3}{4}$ of a gram.

(4) The mercury in a dental amalgam continually emits poisonous vapors.

(5) Mercury does not change its physical properties when mixed with other metals in an amalgam.

(6) Consumers may be deceived by the use of the term “silver” to describe a dental amalgam, which contains substantially more mercury than silver.

(7) According to some manufacturer warnings, Health Canada, the Agency for Toxic Substances and Disease Registry of the Public Health Service, the Institute of Medicine of the National Science Foundation, and certain scientific studies, children, including those still in the womb, are at particular risk for exposure to mercury contained in dental amalgam.
(8) According to the Agency for Toxic Substances and Disease Registry, the mercury from amalgam goes through the placenta of pregnant women and through the breast milk of lactating women, giving rise to health risks to an unborn child or a baby.

(9) Both the Institute of Medicine and the American Pediatric Medical Association advise that no product containing mercury should be given to children or pregnant women, and the use of mercury in any product being put into the body is opposed by many governmental entities and health groups, such as the Institute of Medicine, the American Public Health Association, the California Medical Association, and Health Care Without Harm.

(10) Consumers and parents have a right to know, in advance, the risks of placing a product containing a substantial amount of mercury in their mouths or the mouths of their children.

(11) Alternatives to mercury-based dental fillings exist, but many publicly and privately financed health plans do not allow consumers to choose alternatives to mercury amalgam.
SEC. 3. PROHIBITION ON INTRODUCTION OF DENTAL AMALGAM INTO INTERSTATE COMMERCE.

(a) Prohibition.—Section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351) is amended by adding at the end the following:

“(j) Effective January 1, 2007, if it is a mercury alloy intended for use as a dental amalgam.”.

(b) Transitional Provision.—For purposes of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), effective July 1, 2002, and subject to subsection (a), a device that is a mercury alloy intended for use as a dental amalgam shall be considered to be misbranded, unless it bears a label that provides as follows: “Dental amalgam contains approximately 50 percent mercury, an acute neurotoxin. Such product should not be administered to children less than 18 years of age, pregnant women, or lactating women. Such product should not be administered to any consumer without a warning that the product contains mercury, which is an acute neurotoxin, and therefore poses health risks.”.