

# Teeth Whitener Exemption Model Act

June 6, 2016

## I. Definitions.

- A. Teeth-whitening equipment means equipment that includes teeth whitening trays, teeth whitening applicator pens, vitamin E swabs, teeth wipes, cheek retractors, chairs, and emesis bowls. Teeth whitening equipment also includes LED whitening lights, provided that any LED light intended for placement in a consumer's mouth must be covered with a disposable plastic barrier sleeve. Teeth-whitening equipment does not include high-temperature lamps, such as halogen lamps, or lasers.
- B. Teeth-whitening materials mean non-prescription teeth-whitening powders or gels including those that contain carbamide peroxide, hydrogen peroxide or over-the-counter whitening agents.
- C. Teeth-whitening services mean only:
  - 1. discussing the use of teeth-whitening equipment and materials with a consumer who is interested in purchasing the materials;
  - 2. providing instruction on the use of teeth-whitening equipment and materials to a consumer 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 incidental 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.

## II. Exemptions from dental and facility licensing requirements.

- A. A person who provides teeth-whitening services is exempt from the requirements of the dental license practice act in section \_\_\_\_\_ and the dental facility act in section \_\_\_\_\_ and related rules and regulations if:

1. The person providing those services discloses to the consumer that the service of teeth whitening is not regulated by posting a sign conspicuously in the reception area. The sign shall contain lettering at least one inch high and shall state: "Teeth whitening is an unregulated service offered by (the salon/facility's name)."
2. The person providing those services discards any used trays, applicator pens, vitamin E swabs, teeth wipes, emesis bowls, cheek retractors, and disposable plastic barrier sleeves after each customer; and
3. The person providing those services does so only for customers 18 years old or older.