

**TRUTH IN ADVERTISING**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brian E. Shiozawa**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the unprofessional conduct provisions of the Division of Occupational and Professional Licensing Act related to advertising by cosmetic medical facilities.

**Highlighted Provisions:**

This bill:

▶ prohibits the use of the term "medical" or similar terms by a facility that performs cosmetic medical procedures unless the facility has a doctor on the premises at least 75% of the time the facility is open.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-1-507**, as enacted by Laws of Utah 2012, Chapter 362

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-1-507** is amended to read:

**58-1-507. Cosmetic medical procedure -- Truth in advertising.**

(1) Beginning July 1, 2013, a facility that performs a cosmetic medical procedure as



28 defined in Section 58-67-102 may not advertise or hold itself out to the public as a "medical  
29 spa," "medical facility," ~~[or]~~ "medical clinic," or any other term that would reasonably lead a  
30 person to believe that a person described under Subsection (1)(a)(ii) or (iii) is present at the  
31 facility unless:

32 (a) the facility has an individual on the premises while a cosmetic medical procedure is  
33 performed who is licensed under:

34 ~~[(1)]~~ (i) Chapter 31b, Nurse ~~[Practices]~~ Practice Act, as an advanced practice registered  
35 nurse, practicing as a nurse practitioner;

36 ~~[(2)]~~ (ii) Chapter 67, Utah Medical Practice Act; or

37 ~~[(3)]~~ (iii) Chapter 68, Utah Osteopathic Medical Practice Act~~[-];~~ and

38 (b) the facility has an individual described in Subsection (1)(a)(ii) or (iii) on the  
39 premises at least 75% of the time in which the facility is open for business.

40 (2) The division may adopt administrative rules to enforce this section in accordance  
41 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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**Legislative Review Note**  
as of 2-26-13 4:57 PM

**Office of Legislative Research and General Counsel**