

Senator Brian E. Shiozawa proposes the following substitute bill:

TRUTH IN ADVERTISING

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian E. Shiozawa

House Sponsor: _____

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

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

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



26 **58-1-507. Cosmetic medical procedure -- Truth in advertising.**

27 [Beginning] (1) Except as provided in Subsection (2), beginning July 1, 2013, a
28 facility that performs a cosmetic medical procedure as defined in Section 58-67-102 may not
29 advertise or hold itself out to the public as a "medical spa," "medical facility," [or] "medical
30 clinic," or any other term that would reasonably lead a person to believe that a person described
31 under Subsection (1)(a)(ii) or (iii) is present at the 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 [(+)] (i) Chapter 31b, Nurse [Practices] Practice Act, as an advanced practice registered
35 nurse, practicing as a nurse practitioner;

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

37 [(-)] (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) Beginning July 1, 2013, a facility that is licensed as an esthetic school under
41 Section 58-11a-301, and perform a cosmetic medical procedures as defined in Section
42 58-67-102, may not advertise or hold itself out to the public as a "medical spa," "medical
43 facility," "medical clinic," unless the facility has an individual on the premises while a cosmetic
44 medical procedure is performed who is licensed under:

45 (a) Chapter 31b, Nurse Practice Act, as an advanced practice registered nurse,
46 practicing as a nurse practitioner;

47 (b) Chapter 67, Utah Medical Practice Act; or

48 (c) Chapter 68, Utah Osteopathic Medical Practice Act.

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