

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

27 Section 1. Section **58-71-102** is amended to read:

28 **58-71-102. Definitions.**

29 In addition to the definitions in Section 58-1-102, as used in this chapter:

30 [~~2~~] (1) "Acupuncture" has the same ~~H~~→ [f] definition as [f] meaning as described
30a under the

31 definition of the "practice of acupuncture" ←~~H~~ in Section 58-72-102.

32 [(+)] (2) "Administrative penalty" means a monetary fine imposed by the division for
33 acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an
34 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative
35 Procedures Act.

36 (3) "Board" means the Naturopathic Physicians Licensing Board created in Section
37 58-71-201.

38 (4) "Diagnose" means:

39 (a) to examine in any manner another person, parts of a person's body, substances,
40 fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's
41 body, to determine the source, nature, kind, or extent of a disease or other physical or mental
42 condition;

43 (b) to attempt to conduct an examination or determination described under Subsection
44 (4)(a);

45 (c) to hold oneself out as making or to represent that one is making an examination or
46 determination as described in Subsection (4)(a); or

47 (d) to make an examination or determination as described in Subsection (4)(a) upon or
48 from information supplied directly or indirectly by another person, whether or not in the
49 presence of the person making or attempting the diagnosis or examination.

50 (5) "Local anesthesia" means an agent, whether a natural medicine or

50a ~~S~~→ non-scheduled ←~~S~~ prescription drug,

51 which:

52 (a) is applied topically or by injection [~~in superficial tissues~~] associated with the
53 performance of minor office procedures;

54 (b) has the ability to produce loss of sensation at the site of minor office procedures;

55 and

56 (c) does not cause loss of consciousness or produce general sedation.

57 (6) "Medical naturopathic assistant" means an unlicensed individual working under the
 58 direct and immediate supervision of a licensed naturopathic physician and engaged in specific
 59 tasks assigned by the licensed naturopathic physician in accordance with the standards and
 60 ethics of the profession.

61 (7) (a) "Minor office procedures" means:

62 (i) the use of operative, electrical, or other methods for repair and care of superficial
 63 lacerations, abrasions, and benign lesions;

64 (ii) removal of foreign bodies located in the superficial tissues, excluding the eye or
 65 ear; [~~and~~]

66 (iii) the use of antiseptics and local anesthetics in connection with minor office surgical
 67 procedures[-]; and

68 (iv) if approved by the United States Food and Drug Administration, percutaneous
 69 injection into skin, tendons, ligaments, muscles, and joints with:

70 (A) local anesthetics and nonscheduled prescription medications; and

71 (B) natural substances.

72 (b) "Minor office procedures" does not include:

73 (i) general or spinal anesthesia;

74 (ii) office procedures more complicated or extensive than those set forth in Subsection

75 (7)(a);

76 (iii) procedures involving the eye; ~~§~~ → [or] and ← ~~§~~

77 (iv) any office procedure involving tendons, nerves, veins, or arteries.

78 (8) "Natural medicine" means:

79 (a) food, food extracts, dietary supplements as defined by the federal Food, Drug, and
 80 Cosmetics Act, all homeopathic remedies, and plant substances that are not designated as
 81 prescription drugs or controlled substances;

82 (b) over-the-counter medications;

83 (c) other nonprescription substances, the prescription or administration of which is not
 84 otherwise prohibited or restricted under federal or state law;

85 (d) prescription drugs:

86 (i) that, except as provided in Subsection (8)(e), are not controlled substances as
 87 defined in Section 58-37-2;