

**Representative Paul Ray** proposes the following substitute bill:

**ACUPUNCTURE LICENSING ACT AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Marc K. Roberts

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Acupuncture Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms, including "injection therapy";
- ▶ modifies the definition of the "practice of acupuncture" to include injection therapy;
- ▶ grants authority to a licensee to procure and administer certain sterile substances as part of injection therapy; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-72-102**, as last amended by Laws of Utah 2012, Chapter 88

**58-72-302**, as last amended by Laws of Utah 2009, Chapter 183

ENACTS:



26 [58-72-701](#), Utah Code Annotated 1953



27  
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **58-72-102** is amended to read:

30 **58-72-102. Acupuncture licensing -- Definitions.**

31 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

32 (1) "Board" means the Acupuncture Licensing Board created in Section [58-72-201](#).

33 (2) (a) "Injection therapy" means the use of a hypodermic needle, by a licensed  
34 acupuncturist who has the training described in Subsection [58-72-701\(1\)](#), to inject any of the  
35 following sterile substances:

36 (i) a nutritional substance;

37 (ii) a local anesthetic;

38 (iii) autologous blood;

39 (iv) sterile water;

40 (v) sodium chloride;

41 (vi) sarapin;

42 (vii) sodium bicarbonate;

43 (viii) dextrose; and

44 (ix) sterile saline.

45 (b) "Injection therapy" includes using ultrasound guidance to ensure patient safety.

46 (c) "Injection therapy" does not include injecting a substance into a vein, artery, blood  
47 vessel, nerve, deep organ, or the spinal canal of a patient.

48 [~~(2)~~] (3) "Licensed acupuncturist," designated as "L.Ac.," means a person who has  
49 been licensed under this chapter to practice acupuncture.

50 [~~(3)~~] (4) "Moxibustion" means a heat therapy that uses the herb moxa to heat  
51 acupuncture points of the body.

52 [~~(4)~~] (5) (a) "Practice of acupuncture" means the insertion of acupuncture needles, the  
53 use of injection therapy, and the application of moxibustion to specific areas of the body based  
54 on traditional oriental medical diagnosis and modern research as a primary mode of therapy.

55 (b) Adjunctive therapies within the scope of the practice of acupuncture may include:

56 (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments based

57 on traditional oriental medical diagnosis and modern research;

58 (ii) the recommendation, administration, or provision of dietary guidelines, herbs,

59 supplements, homeopathics, and therapeutic exercise based on traditional oriental medical

60 diagnosis and modern research according to practitioner training; and

61 (iii) the practice described in Subsections ~~[(4)]~~ (5)(a) and (b) on an animal to the extent

62 permitted by:

63 (A) Subsection 58-28-307(12);

64 (B) the provisions of this chapter; and

65 (C) division rule.

66 (c) "Practice of acupuncture" does not include:

67 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic

68 barrier; or

69 (ii) the "manipulation of the articulation of the spinal column" as defined in Section

70 58-73-102.

71 ~~[(5)]~~ (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503,

72 and as may be further defined by division rule.

73 Section 2. Section 58-72-302 is amended to read:

74 **58-72-302. Qualifications for licensure.**

75 ~~[Notwithstanding Section 58-1-302, an]~~ An applicant for licensure as a licensed

76 acupuncturist shall:

77 (1) submit an application in a form prescribed by the division;

78 (2) pay a fee determined by the department under Section 63J-1-504;

79 (3) be of good moral character;

80 (4) meet the requirements for current active certification in acupuncture under

81 guidelines established by the National Commission for the Certification of Acupuncture and

82 Oriental Medicine (NCCAOM) as demonstrated through a current certificate or other

83 appropriate documentation;

84 (5) pass the examination required by the division by rule;

85 (6) establish procedures, as defined by rule, which shall enable patients to give

86 informed consent to treatment; and

87 (7) meet with the board, if requested, for the purpose of evaluating the applicant's

88 qualifications for licensure.

89 Section 3. Section **58-72-701** is enacted to read:

90 **Part 7. Procurement and Administration Authority**

91 **58-72-701. Procurement and administration authority.**

92 (1) A licensee who has received the necessary training to practice injection therapy,  
93 including having obtained a clean needle technique certificate from the National Commission  
94 for the Certification of Acupuncture and Oriental Medicine (NCCAOM):

95 (a) has authority to procure and administer substances described in Subsection

96 58-72-102(2) for in-office use only; and

97 (b) may obtain substances described in Subsection 58-72-102(2) from a registered  
98 prescription drug outlet, registered manufacturer, or registered wholesaler.

99 (2) An entity that provides any substance to a licensee in accordance with this chapter,  
100 and relies in good faith on license information provided by the licensee, is not liable for  
101 providing the substance.