

Representative Raymond P. Ward 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

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 obtained a clean needle technique certificate from the National
35 Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM), to inject
36 any of the following sterile substances in liquid form into acupuncture points on a person
37 subcutaneously or intramuscularly:

38 (i) a nutritional substance;

39 (ii) a local anesthetic;

40 (iii) autologous blood, if the licensee holds a current phlebotomy certification to draw
41 blood;

42 (iv) sterile water;

43 (v) dextrose;

44 (vi) sodium bicarbonate; and

45 (vii) sterile saline.

46 (b) "Injection therapy" includes using ultrasound guidance to ensure that an injection is
47 only a subcutaneous injection or an intramuscular injection.

48 (c) "Injection therapy" does not include injecting a substance into a vein, joint, artery,
49 blood vessel, nerve, tendon, deep organ, or the spine.

50 (d) "Injection therapy" may not be performed on a pregnant woman or a child under the
51 age of eight.

52 ~~[(2)]~~ (3) "Licensed acupuncturist," designated as "L.Ac.," means a person who has
53 been licensed under this chapter to practice acupuncture.

54 ~~[(3)]~~ (4) "Moxibustion" means a heat therapy that uses the herb moxa to heat
55 acupuncture points of the body.

56 ~~[(4)]~~ (5) (a) "Practice of acupuncture" means the insertion of acupuncture needles, the

57 use of injection therapy, and the application of moxibustion to specific areas of the body based
58 on traditional oriental medical diagnosis and modern research as a primary mode of therapy.

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

60 (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments based
61 on traditional oriental medical diagnosis and modern research;

62 (ii) the recommendation, administration, or provision of dietary guidelines, herbs,
63 supplements, homeopathics, and therapeutic exercise based on traditional oriental medical
64 diagnosis and modern research according to practitioner training; and

65 (iii) the practice described in Subsections ~~[(4)]~~ (5)(a) and (b) on an animal to the extent
66 permitted by:

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

68 (B) the provisions of this chapter; and

69 (C) division rule.

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

71 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic
72 barrier; or

73 (ii) the "manipulation of the articulation of the spinal column" as defined in Section
74 58-73-102.

75 ~~[(5)]~~ (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503,
76 and as may be further defined by division rule.

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

78 **58-72-302. Qualifications for licensure.**

79 [~~Notwithstanding Section 58-1-302, an~~] An applicant for licensure as a licensed
80 acupuncturist shall:

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

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

83 (3) be of good moral character;

84 (4) meet the requirements for current active certification in acupuncture under
85 guidelines established by the National Commission for the Certification of Acupuncture and
86 Oriental Medicine (NCCAOM) as demonstrated through a current certificate or other
87 appropriate documentation;

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

89 (6) establish procedures, as defined by rule, which shall enable patients to give
90 informed consent to treatment; and

91 (7) meet with the board, if requested, for the purpose of evaluating the applicant's
92 qualifications for licensure.

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

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

95 **58-72-701. Procurement and administration authority.**

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

99 (a) has authority to procure and administer substances described in Subsections
100 58-72-102(2)(a) and (b) for in-office administration only; and

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

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