

House Labor and Commerce Committee, February 8th, 2012

The History of Naturopathic Prescribing in Alaska

**CW Jasper, ND
Member of the Legislative
Committee of the AANP**

16 States license Naturopathic Doctors

**Alaska, Arizona, California,
Connecticut, District of Columbia,
Hawaii, Idaho, Kansas, Maine,
Minnesota, Montana, New
Hampshire, North Dakota, Oregon,
Utah, Vermont, Washington, United
States Territories: Puerto Rico and
Virgin Islands**

**Eleven of those states give
prescriptive authority to
Naturopathic Doctors.**

Five allow controlled substances.

AS 08.45.200. Definitions

(3) “naturopathy” means the use of hydrotherapy, dietetics, electrotherapy, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body; in this paragraph, “dietetics” includes herbal and homeopathic remedies.

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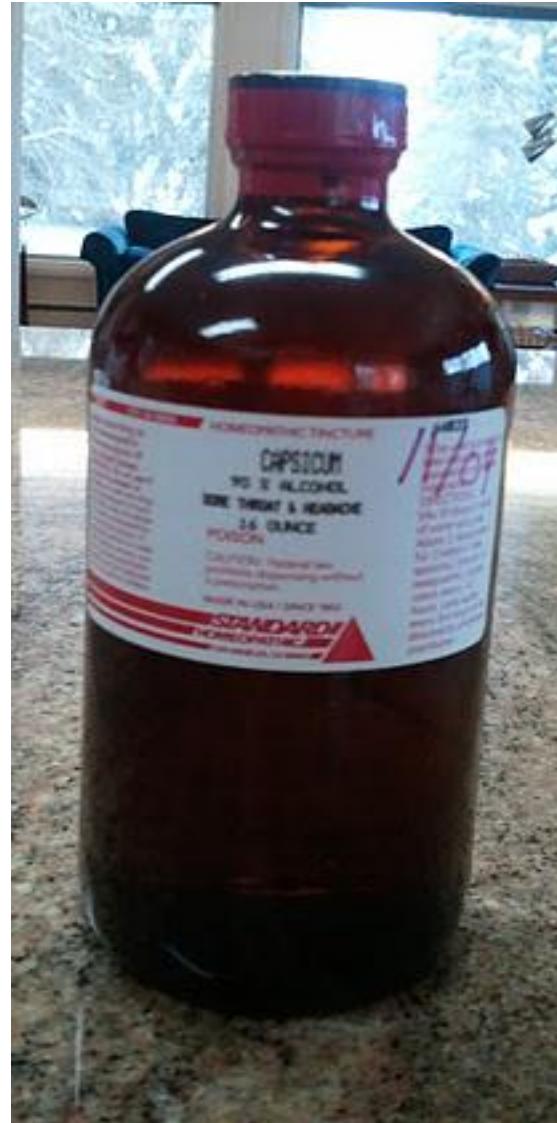
Cayenne Pepper



Cayenne Pepper as a spice



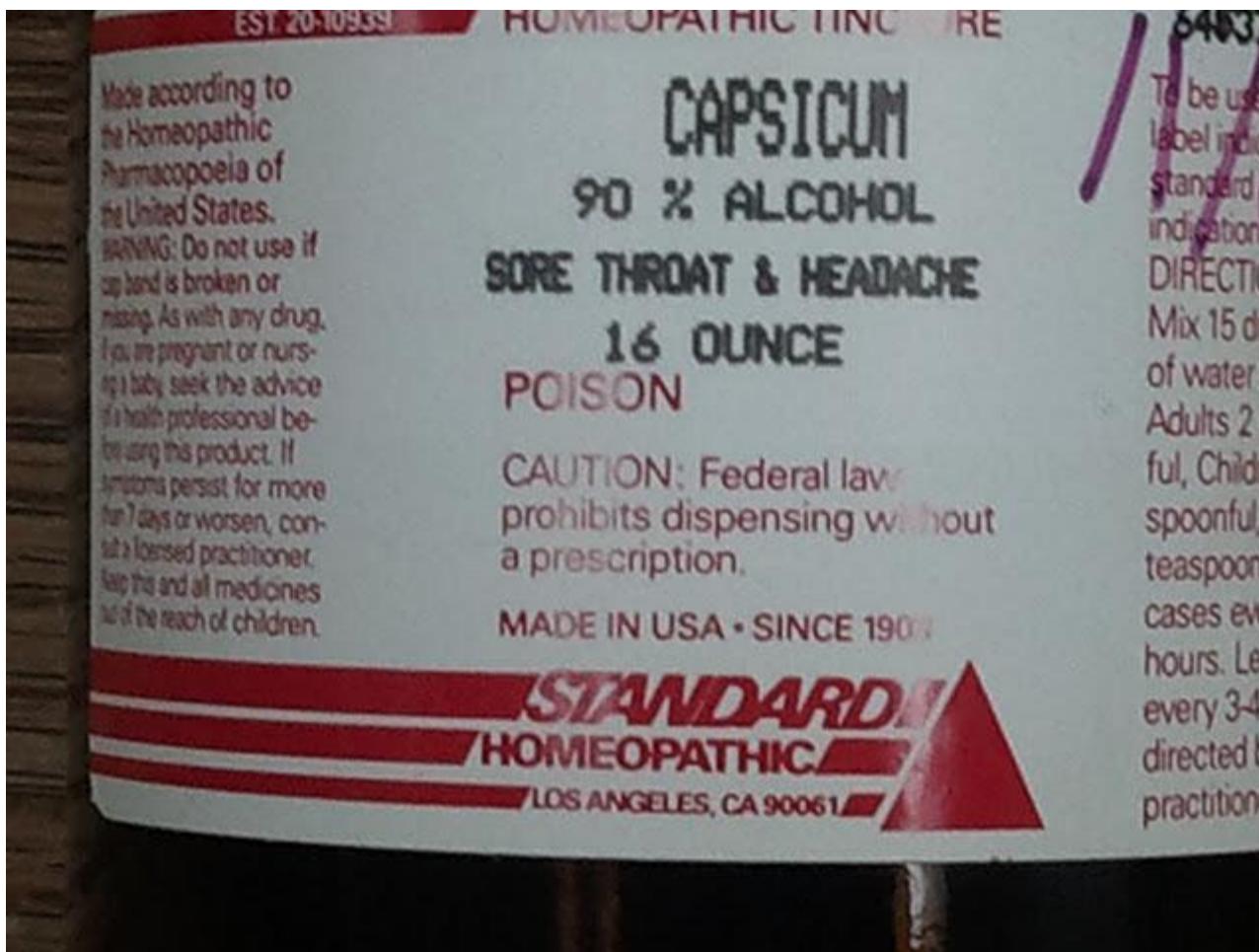
This is cayenne
pepper prepared
for medical use
according to a
National Standard



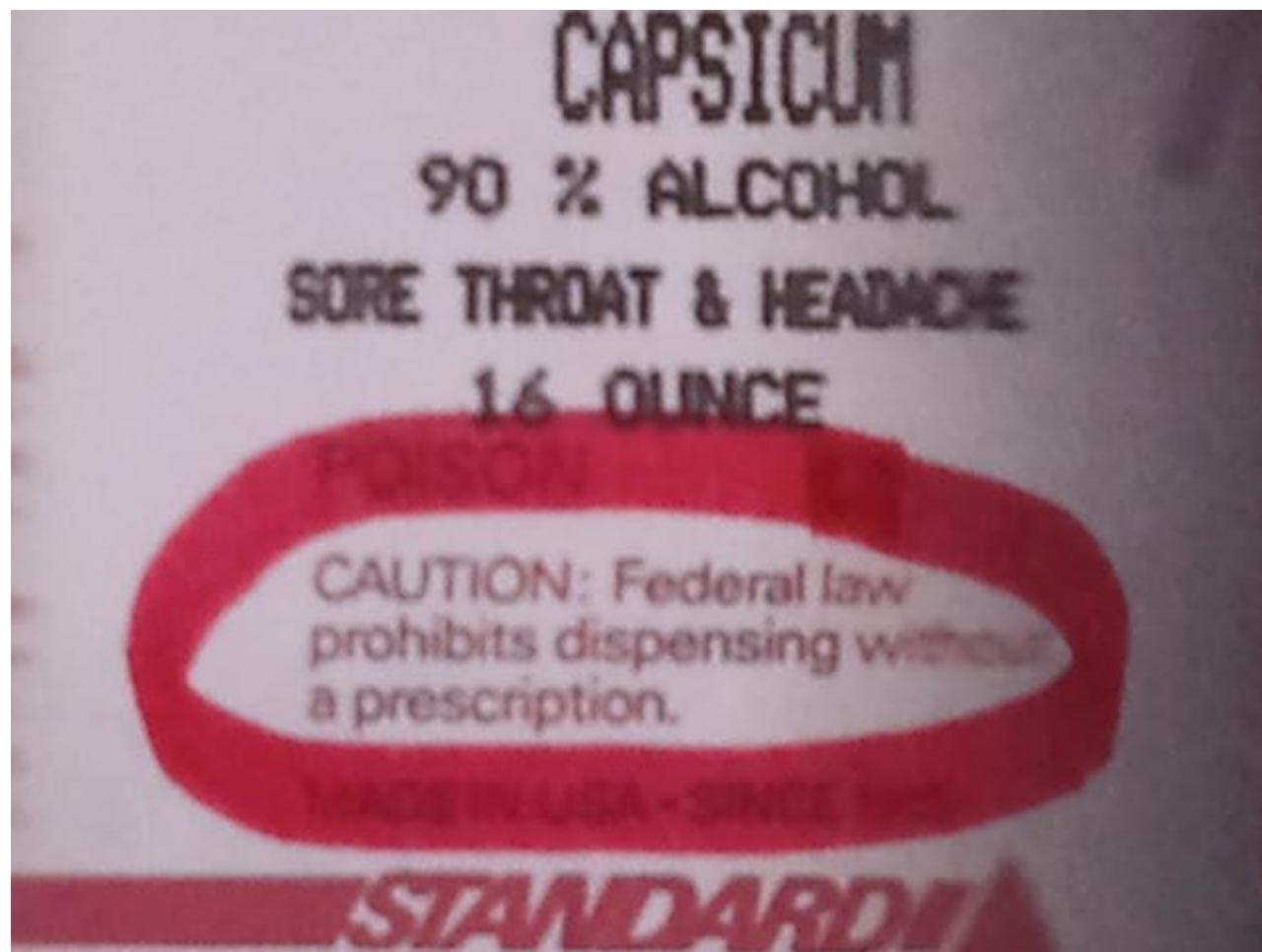
- long shelf life
- known concentration
- a date of expiration
- predictable results



Now it is a prescription medicine



Now it is a prescription medicine



AS 08.45.050. The initial proposal that did NOT pass

A person who practices naturopathy may not

- (1) give, prescribe, or recommend in the practice**
 - (A) a prescription medicine;**
 - (B) a controlled substance;**
 - (C) a poison;**
- (2) engage in surgery;**
- (3) use the word "physician" in the person's title.**

Definition of “Medicine”

**Any substance or substances used
in treating disease or illness.**

AS 08.45.050. The compromise version that did become law

A person who practices naturopathy may not

- (1) give, prescribe, or recommend in the practice
 - (A) a prescription drug;
 - (B) a controlled substance;
 - (C) a poison;
- (2) engage in surgery;
- (3) use the word "physician" in the person's title.

Definition of “Drug”

**Any chemical substance used
in treating disease or illness.**

chem·i·cal: a substance produced by or used in a
chemical process.

Rx Medicines

Injectable B12

Albuterol

IV water

Lipitor

Injectable Vit. C

Capsicum tincture

Valium

Flexeril

Rx Medicines

Injectable B12

Albuterol

IV water

Lipitor

Injectable Vit. C

Capsicum tincture

Valium

Flexeril

Rx Drugs

Albuterol

Lipitor

Valium

Flexeril

Rx Medicines not prohibited

Injectable B12

IV water

Injectable Vit. C

Capsicum tincture

AS 08.45.050. Restrictions On Practice of Naturopathy.

A person who practices naturopathy may not

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 - (A) a prescription drug;**
 - (B) a controlled substance;**
 - (C) a poison;**
- (2) engage in surgery;**
- (3) use the word "physician" in the person's title.**

AS 08.45.100. Regulations.

**The Department of Commerce,
Community, and Economic
Development shall adopt
regulations to implement this
chapter.**

12 AAC 42.990. Definitions adopted 18 years ago.

(8) "prescription drug" does not include a device or herbal or homeopathic remedy or dietetic substance in a form that is not a controlled substance;

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(3) "herbal remedy" includes medicines derived from or a concentrate or extract of a plant, tree, root, moss, fungus, or other natural substance; "herbal remedy" does not include a controlled substance;

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Fact-from State of Alaska web site

“Alaska Statutes are passed by the legislature. Regulations (also called the Alaska Administrative Code) are rules adopted by the department to implement, interpret, and make specific the statutes. Both statutes and regulations have the force of law.”

<http://commerce.state.ak.us/Occ/pnat.htm>

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The law and regulations are clear

- No prescription drugs
- Herbal remedies are not prescription drugs
- Herbal remedies include plant medicines & other natural substances

Numerous pharmacies and medical suppliers have ceased supplying naturopathic doctors in Alaska, stating they are doing so based on instructions from the State of Alaska.



12 AAC 42.990.

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Move this Regulation into Statute

12 AAC 42.990.

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Thank You

I am happy to
answer any questions.