

**CS FOR SENATE BILL NO. 175(L&C) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Amended: 4/12/12

Offered: 2/24/12

Sponsor(s): SENATORS MCGUIRE, Ellis, Davis, Giessel, Dyson, Huggins, Thomas, Wagoner, Stevens, Menard

REPRESENTATIVES Holmes, Tuck, Kerttula, Kawasaki, Thompson, Muñoz, Keller, Miller, Cissna

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the practice of naturopathy; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 08.45.050 is amended to read:

4 **Sec. 08.45.050. Restrictions on practice of naturopathy.** A person who  
5 practices naturopathy may not

6 (1) give, prescribe, or recommend in the practice

7 (A) a prescription drug, **except as provided in (b) of this**  
8 **section;**

9 (B) a controlled substance;

10 (C) a poison;

11 (2) engage in surgery;

12 (3) use the word "physician" in the person's title.

13 \* **Sec. 2.** AS 08.45.050 is amended by adding new subsections to read:

14 (b) Notwithstanding (a)(1)(A) of this section, a person who practices  
15 naturopathy may give, prescribe, or recommend in the practice a device, a

1 homeopathic remedy, or a dietetic remedy.

2 (c) The status of a drug or remedy that a naturopath may give,  
3 prescribe, or recommend under this chapter or may not give, prescribe, or recommend  
4 under this chapter is not changed by compounding the drug or remedy.

5 \* **Sec. 3.** AS 08.45.060 is amended to read:

6 **Sec. 08.45.060. Grounds for suspension, revocation, or refusal to issue a**  
7 **license.** The department may, after a hearing, impose a disciplinary sanction on a  
8 person licensed under this chapter when the department finds that the licensee

9 (1) secured a license through deceit, fraud, or intentional  
10 misrepresentation;

11 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
12 course of providing professional services or engaging in professional activities;

13 (3) advertised professional services in a false or misleading manner;

14 (4) has been convicted of a felony or other crime that affects the  
15 licensee's ability to continue to practice competently and safely;

16 (5) failed to comply with this chapter, with a regulation adopted under  
17 this chapter, or with an order of the department;

18 (6) continued to practice after becoming unfit due to

19 (A) professional incompetence;

20 (B) addiction or severe dependency on alcohol or a drug that  
21 impairs the licensee's ability to practice safely;

22 (C) physical or mental disability;

23 (7) engaged in lewd or immoral conduct in connection with the  
24 delivery of professional service to patients;

25 **(8) has procured, sold, prescribed, or dispensed drugs in violation**  
26 **of a law regardless of whether there has been a criminal action.**

27 \* **Sec. 4.** AS 08.45.200(3) is amended to read:

28 (3) "naturopathy" means the use of hydrotherapy, **a dietetic remedy**  
29 **[DIETETICS], an herbal remedy, a homeopathic remedy,** electrotherapy,  
30 sanitation, suggestion, mechanical and manual manipulation for the stimulation of  
31 physiological and psychological action to establish a normal condition of mind and

1 body [; IN THIS PARAGRAPH, "DIETETICS" INCLUDES HERBAL AND  
2 HOMEOPATHIC REMEDIES].

3 \* **Sec. 5.** AS 08.45.200 is amended by adding new paragraphs to read:

4 (4) "dietetic remedy" means nutritional therapy, nutritional counseling,  
5 a nutritional substance, vitamins, or minerals used to promote health and to diagnose,  
6 treat, or prevent disease, illness, or conditions;

7 (5) "herbal remedy" means a substance derived from or a concentrate  
8 or extract of a plant, tree, root, moss, or fungus;

9 (6) "homeopathic remedy" means a remedy defined in the current  
10 version of Homeopathic Pharmacopoeia of the United States;

11 (7) "hydrotherapy" means the application of water to the external body  
12 in all forms and temperatures to promote health and to diagnose, treat, and prevent  
13 disease, illness, and conditions;

14 (8) "prescription drug" means a drug on the Prescription Drug Product  
15 List or the Drug Products with Approval under Section 505 of the Act Administered  
16 by the Center for Biologics Evaluation and Research List in the Approved Drug  
17 Products with Therapeutic Equivalence Evaluations compiled by the United States  
18 Food and Drug Administration in effect at the time of the prescription, gift, or  
19 recommendation, or that has, at the time of the prescription, gift, or recommendation,  
20 gone through a preapproval process by the United States Food and Drug  
21 Administration.

22 \* **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).