

LEG. FINANCE - BILLS 1983 - 1984 1894

SSH 346 - HB 347

1894

# COMMITTEE REPORT

## HOUSE

FURTHER:

(11)

Date: 3/13/84

2/29/84

(Returned to Finance from Rules 2/29/84)

The Committee on FINANCE has had SSHB 346

"An Act exempting public utility income from the net income tax; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with <sup>2nd</sup> CS for SSHB (Fin) ed  same title  
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent"  New Fiscal Note 2/19/83
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

[Signature]  
[Signature]  
[Signature]  
Walt Furnace  
[Signature]  
[Signature]  
[Signature]

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

[Signature] - do not pass w/o Amend  
[Signature]  
[Signature] (No Rec)  
[Signature]  
[Signature]  
[Signature]

[Signature]  
CHAIRMAN

STATE OF ALASKA  
FISCAL NOTE

Revision Date Dec., 1983

I. REQUEST

Bill/Resolution No: CSSSHB 346(Fin)  
 Title: Exempting public utility income  
 Sponsor: Cato  
 Requestor: House Rules

II. FISCAL DETAIL

Agency Affected: Revenue  
 Program Category Affected: Coll & Mgmt  
 BRU, Program of Subprogram(s) Affected: Audit Division

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	-	-	-	-	-	-
200 TRAVEL	-	-	-	-	-	-
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	-	-	-	-	-
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-

CAPITAL	-	-	-	-	-	-
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REVENUE	-	(2000)	(2000)	(2000)	-	-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-	(2000)	(2000)	(2000)	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Maureen O'Brien  
 Division: Audit Division

Phone: 465-2320  
 Date: 12/01/83

Approved by Commissioner: *Rob O'Leary*  
 Department: Revenue

Date: 12/19/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

IV. Analysis for CSSHB 346(Fin)

The fiscal note is based on data extracted from returns as filed for tax year 1981 and adjusted for anticipated increases in tax liabilities.

No administrative impact.

Original sponsor: Cato

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 346 (2d Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act exempting public utility income from the net  
7 income tax, and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. The Alaska Public Utilities Commission (AS 42.05) shall  
10 ascertain the amount of tax savings of a public utility as a result of the  
11 exemption from the corporate net income tax enacted in sec. 3 of this Act  
12 at the time of the next tariff filing of the public utility or within one  
13 year of the effective date of this Act, whichever occurs first. Exempt  
14 public utility income shall be fully calculated and reported on the appro-  
15 priate state tax forms just as if it were taxable. The determination of a  
16 just and reasonable rate that a public utility may charge under AS 42.05.-  
17 381 shall reflect the decreased expenses of the public utility as a result  
18 of the tax exemption enacted by this Act.

19 \* Sec. 2. AS 43.20.011(e) is amended to read:

20 (e) Except as provided in AS 43.20.018, there [THERE] is imposed  
21 for each taxable year upon the entire taxable income of every corpora-  
22 tion derived from sources within the state a tax computed as follows:

23 If the taxable income is:

Then the tax is:

24 Less than \$10,000

1 percent of the taxable income

25 \$10,000 but less than \$20,000

\$100 plus 2 percent of the taxable  
26 income over \$10,000

27 \$20,000 but less than \$30,000

\$300 plus 3 percent of the taxable  
28 income over \$20,000

29 \$30,000 but less than \$40,000

\$600 plus 4 percent of the taxable

	income over \$30,000
\$40,000 but less than \$50,000	\$1,000 plus 5 percent of the taxable income over \$40,000
\$50,000 but less than \$60,000	\$1,500 plus 6 percent of the taxable income over \$50,000
\$60,000 but less than \$70,000	\$2,100 plus 7 percent of the taxable income over \$60,000
\$70,000 but less than \$80,000	\$2,800 plus 8 percent of the taxable income over \$70,000
\$80,000 but less than \$90,000	\$3,600 plus 9 percent of the taxable income over \$80,000
\$90,000 or more	\$4,500 plus 9.4 percent of the taxable income over \$90,000.

\* Sec. 3. AS 43.20 is amended by adding a new section to read:

Sec. 43.20.018. PUBLIC UTILITY INCOME EXEMPTION. (a) Public utility income of a taxpayer from utility service provided in the state is exempt from taxation under this chapter.

(b) The property, sales, payroll, production, income, business income, and federal taxable income of a corporation attributable to the public utility income of that corporation derived from sources in the state may not be included in the allocation and apportionment of net income of a taxpayer under AS 43.20.065 - 43.20.072.

\* Sec. 4. AS 43.20.040 is amended by adding a new subsection to read:

(d) The provisions of this section do not apply to public utility income. Public utility income is not income from a source having a taxable or business situs in the state.

\* Sec. 5. AS 43.20.072 is amended by adding a new subsection to read:

(h) For the purposes of this section, a taxpayer has not engaged in the transportation of oil or gas by pipeline in the state if the

1 taxpayer is a corporation which is regulated as a public utility by  
2 the Alaska Public Utilities Commission under AS 42.05 for the trans-  
3 portation of that oil or gas.

4 \* Sec. 6. AS 43.20.340 is amended by adding a new paragraph to read:

5 (18) "public utility income" means income of a taxpayer  
6 derived from the ownership or operation of a public utility that is  
7 regulated under AS 42.05.

8 \* Sec. 7. This Act only applies to public utilities that have rates  
9 established by the public utilities commission.

10 \* Sec. 8. This Act takes effect June 30, 1984.

SECTIONAL ANALYSIS OF PROPOSED  
CSSS HB 346 (2nd Finance)

Title: An Act exempting public utility income from the net income tax; and providing for an effective date.

Section 1.

The Alaska Public Utilities Commission (APUC) sets rates for utilities based on projected revenues to cover three major categories: (1) operating expenses, taxes for corporate utilities. The effect of this section is to direct the APUC to determine the component of rates attributable to state corporate income tax exempted hereunder and reduce rates by that amount. The effect should be a direct flow through of the benefits of this Act to the utility's customers.

Section 2.

Refers to the exemption set forth at the new Sec. 43.20.018 provided in the next section.

Section 3.

Exempts public utility income and removes the apportionment factors related to the public utility from apportionment formulas relevant to the Multistate Tax Compact.

Section 4.

Exempts public utility income from definition of income from sources in the state.

Section 5.

Exempts utilities that transport oil or gas by pipeline from state corporate income tax if they are regulated by the APUC as a defined "public utility." Pipelines defined as "public carriers," such as the pipelines formerly regulated by the Alaska Pipeline Commission, would; not be exempted under these amendments.

Section 6.

The effect of this section is to limit the tax exemption to utility income. Other net income of a utility company from unrelated operations would remain subject to state corporate income tax.

Section 7.

States that the Act only affects utilities that have rates established by the Public Utilities Commission.

Section 8.

Sets effective date for bill: 6/30/87.

Revenue Effect  
Public Utility Exemption

The effect of exempting public utility income from Alaska corporate income tax can be estimated by the Department of Revenue by reviewing the most recent tax returns of the utility corporations. Loss of tax revenues to the state will likely be significantly less than the \$8,768,000 in book taxes reported to the Alaska Public Utilities Commission in 1981. The variance between financial statement basis taxes and actual taxes paid to the state arises from timing and other differences allowed by accounting rules and consolidated effective tax rates for corporations with other enterprises.

From the consumers' perspective, this Act will reduce utility bills that are now paid for with after-federal-tax income. For this reason, the net effect for most consumers will be greater savings than direct distributions which generally are taxable by the federal government. Rate reductions from this source will be welcome relief from the recent successive rate increases required by many utilities.

The utility revenues and tax expense will be reduced in an equal amount; therefore, there will be no effect on net income. Rolling back rates as a result of this Act should be pleasant news to send to customers. It should also be noted that extraordinary expenses or tax credits from large capital programs resulted in some utilities showing no state income tax or a loss. These same utilities showed a significant tax position in other years, and absent this exemption would be expected to show a positive tax position over time.

An Act exempting public utility income from the net income tax; and providing for an effective date.

Section 1.

The Alaska Public Utilities Commission (APUC) sets rates for utilities based on projected revenues to cover three major categories: (1) operating expenses, (2) returns on debt and equity capital employed, and (3) an allowance for income taxes for corporate utilities. The effect of this section is to direct the APUC to determine the component of rates attributable to state corporate income tax exempted hereunder and reduce rates by that amount. The effect should be a direct flow through of the benefits of this Act to the utility's customers.

Section 2.

Refers to the exemption set forth at the new Sec. 43.20.018 provided in the next section.

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Section 6.

The effect of this section is to limit the tax exemption to utility income. Other net income of a utility company from unrelated operations would remain subject to state corporate income tax.

Section 7.

Set effective date as January 1, 1983 to coincide with fiscal years of most utilities.

Section 8.

Immediate effective date follows statutory form.

<u>Corporate Utility</u>	<u>Customers Served</u>	<u>State Income Tax Financial Statement Basis Reported to APUC (1981)</u>
Alascom, Inc.	4,189	\$ 6,881,205
Alaska Electric Light & Power Co.	8,434	LOSS
Alaska Power & Telephone Co.	1,223	-0-
Alyeska Utilities, Inc.	363	-0-
Anchorage Refuse, Inc.	17,669	32,158
Aniak Light & Power Co. Inc.	143	-0-
Arctic Utilities, Inc.	38	61,715
Bethel Utilities Corporation	1,401	-0-
Bettles Light & Power, Inc.	29	57
Burton Carver & Company, Inc.	32	-0-
Bush-Tell Incorporated	408	-0-
Central Alaska Utilities, Inc.	11,505	128,006
College Utilities Corporation	870	1,557
Dawn Development Corporation	106	552
Eagle River Heights Utilities, Inc.	395	1,383
Eagle River Refuse, Inc.	2,168	-0-
Eklutna Utilities, Inc.	75	-0-
ENSTAR Natural Gas Company	46,606	491,256
Far North Sanitation Service, Inc.	637	-0-
Fort Yukon Utilities	232	-0-
General Telephone Company of Alaska	8,097	88,649
Glacier State Telephone Company	16,162	611,890
Haines Light & Power Co. Inc.	619	-0-
Interior Telephone Company	1,789	35,530

<u>Corporate Utility</u>	<u>Customers Served</u>	<u>State Income Tax Financial Statement Basis Reported to APUC (1981)</u>
Juneau & Douglas Telephone Company	11,489	\$ 310,040
Kenai Utility Service Corporation	1,380	10,135
Kodiak Sanitation, Inc.	231	-0-
McGrath Light & Power	187	-0-
Mendenhaven Improvement and Maintenance Corporation	178	-0-
Mukluk Telephone Company, Inc.	126	LOSS
National Utilities, Inc.	968	27,472
Norfolk Utilities, Inc.	215	-0-
Northern Power & Engineering Corporation, Inc.	63	-0-
Northway Power & Light Inc.	65	-0-
Pelican Utility Company	74	LOSS
Peninsula Sanitation Company	872	-0-
Settler's Bay Properties, Inc.	25	LOSS
Sitka Telephone Company	3,981	32,200
Tanana Power Company	137	-0-
Telephone Utilities Of Alaska, Inc.	1,579	26,500
United Utilities, Inc.	1,310	27,790
Valley Water Company, Inc.	310	LOSS
Whittier Telephone Company	100	LOSS
Yakutat Power, Inc.	264	-0-
Yukon Telephone Company	232	-0-
Total State Income Tax reported to APUC for 1981 (financial statement basis)		<u>\$8,768,095</u>

Community ServedCorporate UtilityUtility Service

All communities	Alascom, Inc.	Telecommunications
Alakanuk	United Utilities, Inc.	Phone
Anchorage	Anchorage Refuse, Inc. Central Alaska Utilities, Inc. ENSTAR Natural Gas Company Rangeview Utilities	Refuse Water Gas Water & Sewer
Anchor Point	Glacier State Telephone Company	Phone
Angoon	Sitka Telephone Company	Phone
Aniak	Aniak Light & Power Company, Inc. Bush-Tell, Incorporated	Electric Phone
Anvik	Bush-Tell, Incorporated	Phone
Auke Bay	Alaska Electric Light & Power Company Juneau & Douglas Telephone Company	Electric Phone
Barrow	General Telephone Company of Alaska	Phone
Bethel	Bethel Utilities Corporation, Inc. General Telephone Company of Alaska	Electric Phone
Bettles	Bettles Light & Power, Inc.	Electric
Brevig Mission	Mukluk Telephone Company, Inc.	Phone
Chugiak	Dawn Development Corporation Eklutna Utilities, Inc. ENSTAR Natural Gas Company	Water Water Gas
Clam Gulch	Glacier State Telephone Company	Phone
College	College Utilities Corporation	Sewer & Water
Cold Bay	Interior Telephone Company Northern Power & Engineering Corp., Inc.	Phone Electric
Cooper Landing	Burton Carver & Company Inc. Interior Telephone Company	Refuse Phone
Craig	Alaska Power & Telephone Company National Utilities	Electric Phone
Crooked Creek	Bush-Tell, Incorporated	Phone

Deadhorse	Arctic Utilities, Inc.	Electric
Delta Junction	Glacier State Telephone Company	Phone
Dot Lake	Alaska Power & Telephone Company	Electric
Douglas	Alaska Electric Light & Power Company Juneau & Douglas Telephone Company	Electric Phone
Eagle River	Eagle River Heights Utilities, Inc. Eagle River Refuse, Inc. ENSTAR Natural Gas Company Norfolk Utilities	Water Refuse Gas Water
Emmonak	United Utilities, Inc.	Phone
Fairbanks	Far North Sanitation Service, Inc. Valley Water Company, Inc.	Refuse Water
Ft. Wainwright	Telephone Utilities of Alaska, Inc.	Phone
Fort Yukon	Fort Yukon Utilities Interior Telephone Company	Electric Phone
Galena	Interior Telephone Company	Phone
Gambell	United Utilities, Inc.	Phone
Girdwood	Alyeska Utilities, Inc.	Water
Grayling	Bush-Tell, Incorporated	Phone
Gustavus	Sitka Telephone Company	Phone
Haines	General Telephone Company of Alaska Haines Light & Power	Phone Electric
Holy Cross	Bush-Tell, Incorporated	Phone
Homer	Glacier State Telephone Company	Phone
Hoonah	Sitka Telephone Company	Phone
Hooper Bay	United Utilities, Inc.	Phone
Hope	Burton Carver & Company, Inc.	Refuse
Hydaburg	Alaska Power & Telephone Company National Utilities, Inc.	Electric Phone
Hyder	General Telephone Company of Alaska	Phone
Iliamna	Interior Telephone Company	Phone

Indian	Burton Carver & Company, Inc.	Refuse
Juneau	Alaska Electric Light & Power Company Juneau & Douglas Telephone Company Mendenhaven Improvement and Maintenance Corp.	Electric Phone Water
Kake	Sitka Telephone Company	Phone
Kalsag	Bush-Tell Incorporated	Phone
Kasilof	ENSTAR Natural Gas Company Glacier State Telephone Company	Gas Phone
Kenai	Glacier State Telephone Company Kenai Utility Service Corporation Peninsula Sanitation Company	Phone Gas Refuse
Kenai (North)	ENSTAR Natural Gas Company	Gas
King Cove	Interior Telephone Company	Phone
Klawock	Sitka Telephone Company	Phone
Kodiak	Glacier State Telephone Company Kodiak Sanitation	Phone Refuse
McGrath	General Telephone Company of Alaska McGrath Light & Power Company	Phone Electric
Mt. Edgecumbe	Sitka Telephone Company	Phone
Nenana	Glacier State Telephone Company	Phone
Nome	General Telephone Company of Alaska	Phone
North Pole	Glacier State Telephone Company	Phone
Northway	Northway Power & Light, Inc. Sitka Telephone Company	Electric Phone
Pelican	Sitka Telephone Company	Phone
Petersburg	General Telephone Company of Alaska	Phone
Port Lions	Interior Telephone Company	Phone
Red Devil	Bush-Tell Incorporated	Phone
Sand Point	Interior Telephone Company Pelican Utility Company	Phone CATV, Electric
St. Mary's	United Utilities, Inc.	Phone

Savoonga	United Utilities, Inc.	Phone
Settler's Bay	Settler's Bay Properties, Inc.	Sewer & Water
Seward	General Telephone Company of Alaska	Phone
Shageiuk	Bush-Tell, Incorporated	Phone
Shishmaref	Mukluk Telephone Company	Phone
Sitka	Sitka Telephone Company	Phone
Skagway	Alaska Power & Telephone Company National Utilities, Inc.	Electric Phone
Sleetmute	Bush-Tell Incorporated	Phone
Sterling	ENSTAR Natural Gas Company	Gas
Stony River	Bush-Tell, Incorporated	Phone
Soldotna	ENSTAR Natural Gas Company Glacier State Telephone Company	Gas Phone
Tanana	Tanana Power Company Yukon Telephone Company	Electric Phone
Tanacross	Alaska Power & Telephone Company	Electric
Tee Harbor	Juneau & Douglas Telephone Company	Phone
Teller	Mukluk Telephone Company	Phone
Tetlin	Alaska Power & Telephone Company	Electric
Thorne Bay	Sitka Telephone Company	Phone
Togiak	United Utilities, Inc.	Phone
Tok	Alaska Power & Telephone Company National Utilities, Inc.	Electric Phone
Unalaska	Interior Telephone Company	Phone
Wales	Mukluk Telephone Company	Phone
Whittier	Whittier Telephone Company	Phone
Wrangell	General Telephone Company of Alaska	Phone
Yakutat	Sitka Telephone Company Yakutat Power, Inc.	Phone Electric

Offered: 5/25/83  
Referred: Rules

Original sponsor: Cato

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 346 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act exempting public utility income from the net  
7 income tax; and providing for an effective date."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. The Alaska Public Utilities Commission (AS 42.05) shall  
10 ascertain the amount of tax savings of a public utility as a result of the  
11 exemption from the corporate net income tax enacted in sec. 2 of this Act  
12 at the time of the next tariff filing of the public utility or within one  
13 year of the effective date of this Act, whichever occurs first. Exempt  
14 public utility income shall be fully calculated and reported on the appro-  
15 priate state tax forms just as if it were taxable. The determination of a  
16 just and reasonable rate that a public utility may charge under  
17 AS 42.05.381 shall reflect the decreased expenses of the public utility as  
18 a result of the tax exemption enacted by this Act.  
19 \* Sec. 2. AS 42.05.381(a) is repealed and reenacted to read:  
20 (a) All rates demanded or received by a public utility for the  
21 purpose of generating exempt public utility income, or by any two or  
22 more public utilities jointly, for a service furnished or to be fur-  
23 nished for the purpose of generating exempt public utility income  
24 shall be just and reasonable. A rate may not include an allowance for  
25 the costs of  
26 (1) political contributions;  
27 (2) lobbying;  
28 (3) public relations;  
29 (4) advertising;

1                   (5) consulting or management fees paid to the owner of the  
2 public utility or to a subsidiary or affiliate of the owner;

3                   (6) products purchased from the owner of the public utility  
4 or from a subsidiary or affiliate of the owner, in excess of the  
5 actual value of the products; or

6                   (7) services purchased from the owner of the public utility  
7 or from a subsidiary or affiliate of the owner.

8 \* Sec. 3. AS 43.20.011(e) is amended to read:

9                   (e) Except as provided in AS 43.20.018, there [THERE] is imposed  
10 for each taxable year upon the entire taxable income of every corpora-  
11 tion derived from sources within the state a tax computed as follows:

12           If the taxable income is:	Then the tax is:
13           Less than \$10,000	1 percent of the taxable income
14           \$10,000 but less than \$20,000	\$100 plus 2 percent of the taxable 15   income over \$10,000
16           \$20,000 but less than \$30,000	\$300 plus 3 percent of the taxable 17   income over \$20,000
18           \$30,000 but less than \$40,000	\$600 plus 4 percent of the taxable 19   income over \$30,000
20           \$40,000 but less than \$50,000	\$1,000 plus 5 percent of the tax- 21   able income over \$40,000
22           \$50,000 but less than \$60,000	\$1,500 plus 6 percent of the tax- 23   able income over \$50,000
24           \$60,000 but less than \$70,000	\$2,100 plus 7 percent of the tax- 25   able income over \$60,000
26           \$70,000 but less than \$80,000	\$2,800 plus 8 percent of the tax- 27   able income over \$70,000
28           \$80,000 but less than \$90,000	\$3,600 plus 9 percent of the tax- 29   able income over \$80,000



Introduced: 4/22/83  
Referred: Labor and Commerce  
and Finance

1 IN THE HOUSE

BY CATO

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 346  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act exempting public utility income from the net  
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13 year of the effective date of this Act, whichever occurs first. The deter-  
14 mination of a just and reasonable rate that a public utility may charge  
15 under AS 42.05.381 shall reflect the decreased expenses of the public  
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21 If the taxable income is:	Then the tax is:
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24	income over \$10,000
25 \$20,000 but less than \$30,000	\$300 plus 3 percent of the taxable
26	income over \$20,000
27 \$30,000 but less than \$40,000	\$600 plus 4 percent of the taxable
28	income over \$30,000
29 \$40,000 but less than \$50,000	\$1,000 plus 5 percent of the tax-

1		able income over \$40,000
2	\$50,000 but less than \$60,000	\$1,500 plus 6 percent of the tax-
3		able income over \$50,000
4	\$60,000 but less than \$70,000	\$2,100 plus 7 percent of the tax-
5		able income over \$60,000
6	\$70,000 but less than \$80,000	\$2,800 plus 8 percent of the tax-
7		able income over \$70,000
8	\$80,000 but less than \$90,000	\$3,600 plus 9 percent of the tax-
9		able income over \$80,000
10	\$90,000 or more	\$4,500 plus 9.4 percent of the tax-
11		able income over \$90,000.

12 \* Sec. 3. AS 43.20 is amended by adding a new section to read:

13       Sec. 43.20.018. PUBLIC UTILITY INCOME EXEMPTION. (a) Public  
14 utility income of a taxpayer from utility service provided in the  
15 state is exempt from taxation under this chapter.

16       (b) The property, sales, payroll, production, income, business  
17 income, and federal taxable income of a corporation attributable to  
18 the public utility income of that corporation derived from sources in  
19 the state may not be included in the allocation and apportionment of  
20 net income of a taxpayer under AS 43.20.065 - 43.20.072.

21 \* Sec. 4. AS 43.20.040 is amended by adding a new subsection to read:

22       (d) The provisions of this section do not apply to public  
23 utility income. Public utility income is not income from a source  
24 having a taxable or business situs in the state.

25 \* Sec. 5. AS 43.20.072 is amended by adding a new subsection to read:

26       (h) For the purposes of this section, a taxpayer has not engaged  
27 in the transportation of oil or gas by pipeline in the state if the  
28 taxpayer is a corporation which is regulated as a public utility by  
29 the Alaska Public Utilities Commission under AS 42.05 for the

1 transportation of that oil or gas.

2 \* Sec. 6. AS 43.20.340 is amended by adding a new paragraph to read:

3 (18) "public utility income" means income of a taxpayer  
4 derived from the ownership or operation of a public utility that is  
5 regulated under AS 42.05.

6 \* Sec. 7. This Act is retroactive to January 1, 1983.

7 \* Sec. 8. This Act takes effect immediately in accordance with AS 01.-  
8 10.070(c).

# COMMITTEE REPORT

## HOUSE

(11)

FURTHER:

3/29/84

Date:

4-24-84

The Committee on FINANCE has had HR 347

"An Act relating to the licensing of practitioners of naturopathic medicine; and providing for an effective date."

under consideration and recommends:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HR 347 (FINANCE)  same title  new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Alberto Adas

R/B Stewart

14 Martin

Walt Furnace

Ben ...

Paul ...

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Ben ... - No Rec

Paul ... - No Rec

Alberto Adas

CHAIRMAN

Original sponsors: Martin and Tischer

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 347 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of naturopaths; and  
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA;

9 \* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

10 (24) regulation of naturopaths under AS 08.45.

11 \* Sec. 2. AS 08 is amended by adding a new chapter to read:

12 CHAPTER 45. NATUROPATHS.

13 ARTICLE 1. BOARD OF NATUROPATHIC EXAMINERS.

14 Sec. 08.45.010. CREATION AND MEMBERSHIP OF THE BOARD. There is  
15 established the Board of Naturopathic Examiners consisting of

16 (1) three naturopaths licensed under this chapter;

17 (2) one doctor licensed under AS 08.64; and

18 (3) one public member.

19 Sec. 08.45.030. TERM OF OFFICE. Members of the board serve  
20 staggered terms of three years. A member may be appointed to serve no  
21 more than two consecutive full terms.

22 Sec. 08.45.040. APPLICABILITY. AS 08.45.010 - 08.45.040 apply  
23 one year after the first eight licenses are issued under this chapter.  
24 After AS 08.45.010 - 08.45.040 become applicable, the board shall  
25 exercise the powers and duties of the department under this chapter.

26 ARTICLE 2. REGULATION OF NATUROPATHY.

27 Sec. 08.45.090. DUTIES AND POWERS. (a) The department shall

28 (1) evaluate the qualifications of applicants for licenses  
29 under this chapter;

1 (2) conduct hearings and keep records necessary to carry  
2 out the purposes of this chapter; and

3 (3) license naturopaths and renew licenses in accordance  
4 with AS 08.45.100 - 08.45.170.

5 (b) The department may establish by regulation educational  
6 requirements for licensure under this chapter in addition to require-  
7 ments under AS 08.45.110(2) that are equivalent to or higher than  
8 requirements in other states that license naturopaths, and identify  
9 schools that provide courses of study that satisfy the requirements.

10 Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage  
11 in the practice of naturopathy unless that person has a valid license  
12 or temporary permit issued under this chapter.

13 Sec. 08.45.110. LICENSURE AS A NATUROPATH. To be eligible for a  
14 license as a naturopath, an applicant shall

15 (1) hold a bachelor's degree from an accredited college of  
16 liberal arts or sciences;

17 (2) have graduated from a school of naturopathy approved by  
18 the Alaska Commission on Postsecondary Education that has as a  
19 requirement for graduation successful completion of a course of  
20 resident instruction of at least nine months actual attendance in each  
21 of four years and successful completion of a course of study totaling  
22 at least 4,000 hours of instruction of which at least 1,500 hours is  
23 clinical experience;

24 (3) successfully complete an examination given by the  
25 department;

26 (4) not have a license to practice naturopathy in another  
27 state, province, or territory, that is suspended or revoked for disci-  
28 plinary reasons;

29 (5) be a United States citizen or lawfully admitted to

1 permanent residence in this country; and

2 (6) after graduating from a school of naturopathy, complete  
3 a one-year internship supervised by a naturopath licensed in this or  
4 another state.

5 Sec. 08.45.120. EXAMINATION. (a) An examination for licensing  
6 as a naturopath shall be held at least twice each year at a time and  
7 place and shall be conducted as determined by the department. The  
8 examination shall be objective and in writing, but may be supplemented  
9 by oral examinations, and by demonstrations or other practical tests  
10 as the department may require.

11 (b) To pass the examination an applicant shall receive an over-  
12 all average of 75 percent and may not receive less than 70 percent in  
13 more than two sections. If an applicant fails the examination, the  
14 applicant may apply to be reexamined.

15 Sec. 08.45.130. TEMPORARY PERMIT. (a) The department may issue  
16 a temporary permit to practice naturopathy to a person if the person

17 (1) is currently licensed as a naturopath in another state  
18 or territory or in a province of Canada; and

19 (A) that state, territory, or province maintains  
20 professional licensing standards equivalent or higher than those  
21 in this chapter;

22 (B) that state, territory, or province extends the  
23 same licensing privilege to those holding a license in this  
24 state; and

25 (C) the person demonstrates to the satisfaction of the  
26 department qualifications at least equal to those required of  
27 persons licensed under this chapter; or

28 (2) qualifies for a license under AS 08.45.110(1) - (5) and  
29 is working as an intern supervised by a naturopath with a license or

1 temporary permit issued under this chapter.

2 (b) A temporary permit issued under (a)(1) of this section is  
3 valid until the date on which the results of the next examination that  
4 is offered under AS 08.45.120 are released. A temporary permit issued  
5 under (a)(2) of this section is valid for one year.

6 Sec. 08.45.140. LICENSE RENEWAL. A license issued under this  
7 chapter expires unless it is renewed every four years.

8 Sec. 08.45.150. FEES. The following fees are imposed under this  
9 chapter:

- 10 (1) application for examination ..... \$ 50  
11 (2) application for re-examination..... 10  
12 (3) license issuance or renewal ..... 200  
13 (4) temporary permit issuance..... 50

14 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-  
15 path in the course of the practice of naturopathy may

16 (1) use systems of diagnosis for which the naturopath has  
17 been trained;

18 (2) treat patients by physiological, nutritional, mechan-  
19 ical, manual, hydrotherapeutic and phytotherapeutic means, with accu-  
20 pressure, and with minerals, and with extracts, compounds and concen-  
21 trates obtained from plants or animals;

22 (3) practice natural childbirth in obstetrics.

23 (b) A naturopath may not

24 (1) perform surgery;

25 (2) use or prescribe controlled substances as defined in  
26 AS 11.81.900(b)(6); or

27 (3) use x-ray equipment, radium, or irradiation for diagno-  
28 sis or therapy.

29 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department shall

1 prescribe by regulation continuing education requirements for persons  
2 licensed under this chapter.

3 (b) Before a license issued under this chapter may be renewed,  
4 the licensee shall submit to the department evidence of completion of  
5 continuing education requirements.

6 (c) The department may exempt a licensee from the continuing  
7 education requirement upon an application of the licensee setting out  
8 extenuating circumstances. A licensee may not receive more than one  
9 exemption under this subsection in a five-year period.

### 10 ARTICLE 3. GENERAL PROVISIONS.

11 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person with a  
12 license or permit under this chapter may use the following titles:  
13 "Naturopath", "Doctor of Naturopathy" or its abbreviation, "N.D.". A  
14 person with a license or permit under this chapter may not use a title  
15 in a manner that suggests that the person practices a form of medicine  
16 or a healing art other than naturopathy.

17 (b) A person may not use a title or abbreviation listed in (a)  
18 of this section unless the person is licensed under this chapter.

19 Sec. 08.45.210. IMPOSITION OF DISCIPLINARY SANCTIONS. After a  
20 hearing, the department may limit, deny, suspend, or revoke a license  
21 or temporary permit, or censure a licensee or permittee if the person

22 (1) secured a license or permit under this chapter through  
23 deceit, fraud, or intentional misrepresentation;

24 (2) engaged in deceit, fraud, or intentional misrepresenta-  
25 tion in the course of providing professional services or engaging in  
26 professional activities;

27 (3) advertised professional services in a false or mislead-  
28 ing manner;

29 (4) has been convicted of a felony or other crime that

1 affects the person's ability to continue to practice competently and  
2 safely;

3 (5) fails to comply with this chapter or a regulation  
4 adopted under this chapter;

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

6 (A) professional incompetence;

7 (B) addiction or severe dependency on alcohol or other  
8 drugs that impairs the person's ability to practice safely;

9 (C) physical or mental disability;

10 (7) engaged in lewd or immoral conduct in connection with  
11 the delivery of professional service to a patient.

12 Sec. 08.45.220. VIOLATIONS. (a) Except as provided in (b) of  
13 this section, a person is guilty of a class B misdemeanor if the  
14 person intentionally violates a provision of this chapter or a regula-  
15 tion adopted under this chapter.

16 (b) A person who practices naturopathy without a valid temporary  
17 permit or license issued under this chapter is guilty of a class A  
18 misdemeanor.

19 Sec. 08.45.900. DEFINITIONS. In this chapter

20 (1) "department" means the Department of Commerce and  
21 Economic Development;

22 (2) "naturopathy" and "naturopathic" means a system of  
23 human health care that promotes good health through the prevention and  
24 treatment of illness by the use of educational, physical, nutritional,  
25 botanical, hygienic and other methods, and without the use of pre-  
26 scription drugs, surgery, x-ray equipment or radium therapy.

27 \* Sec. 3. LICENSING OF PRACTITIONERS OF NATUROPATHY WITHOUT EXAMINATION  
28 OR INTERNSHIP. (a) The Department of Commerce and Economic Development  
29 shall issue a license to practice naturopathy to a person who, on the

1 effective date of this Act,

2 (1) is residing and practicing naturopathy in the state;

3 (2) has passed an examination and is licensed to practice  
4 naturopathy in another state, territory, or province;

5 (3) has graduated from a school of naturopathy that has, as a  
6 requirement for graduation, successful completion of a course of resident  
7 instruction of at least nine months actual attendance in each of four years  
8 and successful completion of a course of study totaling at least 4,000  
9 hours; and

10 (4) applies for a license under this section no later than  
11 June 30, 1985.

12 (b) A temporary permit issued under this section is valid until the  
13 date on which the results of the first examination that is offered under  
14 AS 08.45.120, as enacted in sec. 2 of this Act, are released.

15 \* Sec. 4. Notwithstanding AS 08.45.010 as enacted in sec. 2 of this  
16 Act, the first members of the Board of Naturopathic Examiners shall be  
17 appointed for the following terms; one member shall serve a one-year term,  
18 two members shall serve two-year terms, and two members shall serve three-  
19 year terms.

20 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).  
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STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CS HB 347 (FIM)  
Title: Relating to Naturopaths

FISCAL DETAIL

Agency Affected: Commerce  
Program Category Affected: \_\_\_\_\_

Sponsor: Martin  
Requestor: House Finance  
Date of Request: 4/23/84

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		0	0	0	0	0
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

~~SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL~~

No funds are needed to implement this bill. The board does not go into effect until 8 licenses are issued, and there are only 5 naturopaths in the state at present. It is the intent of the committee that the cost of licensing be absorbed in the Department's existing budget.

ANALYSIS: Attach a separate page for analysis

Prepared By: Rep. Al Adams, Chair *AA* Phone: 465-3706  
Division: House Finance Committee Date: 4/23/84

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

HB 347 (as introduced)

Title:  
relating to licensing  
practitioners of naturopathic  
medicine.

Section 1:  
adds regulation of naturopathy  
or naturopathic medicine to  
AS 08.45

Section 2:  
  
Creates a new Chapter 45,  
"Naturopaths".

HB 347 (HESS)

Title:  
Same.

Section 1:  
Same.

Section 2:  
Chapter title remains the same.

HB 347 (L&C)

Title: changed to read:  
"An Act relating to the  
licensing of naturopaths"

Section 1: changed to  
"regulation of naturopaths"  
(rather than regulation of  
naturopathy or naturopathic  
medicine).

Section 2: Chapter title  
remains unchanged.

HB 347 (Proposed Compromise)

Same as L&C CS.

Same as L&C CS.

Same as L&C CS.

HB 347 (Naturopath Proposal)

*to be added at  
a later date*

Article 1:  
"Regulation of Naturopathy"

This section details the duties and powers of the department to evaluate qualifications of applicants for licenses; conduct hearings; license naturopaths and renew licenses; and provide for temporary permits to persons apparently qualified to practice until certification of the results of the next examination.

Article 1:  
Remains the same.

Article 1: Entirely new Article 1, entitled "Board of Naturopathic Examiners". (The previous subject of this chapter, "Regulation of Naturopathy", is moved to Article 2.)

Same as L&C CS.

08.45.010: creates a Board of Naturopathic Examiners consisting of three licensed naturopaths, one doctor and one public member.

08.45.030: states that members shall serve staggered three-year terms, and that a member may be appointed to no more than two consecutive full terms.

08.45.040: these new sections (08.45.010-040) will come into effect after the first eight licenses are issued under this chapter, after which the board shall exercise the powers and duties of the department under this chapter.

Article 2:  
Licensing of Naturopaths

08.45.100 Requires a person to have a license or permit before being allowed to practice naturopathy or naturopathic medicine.

Article 2:  
Same.

08.45.100: same.

Article 2:

"Regulation of Naturopathy". Subsections (a)(1)-(3) correspond exactly to previous Article 1, subsections (1)-(3) (which state that the department will evaluate qualifications of applicants, conduct hearings, and license naturopaths and renew licenses).

Subsection (b) states that the department may establish educational requirements for licensure in addition to requirements under AS 08.45.110(2) that are equivalent to or higher than requirements in other states that license naturopaths, and identify schools that provide courses of study that satisfy the requirements.

Deleted from the previous article dealing with regulation is former Article 1, subsection (4), which provided for temporary permits to engage in the practice of naturopathy.

08.45.100: Same, except reference to "naturopathic medicine" is deleted.

Article 2

Same as L&C CS.

08.45.110 Sets out requirements for eligibility to be licensed, which include: a high school diploma; two years of postsecondary education; graduation from a college of naturopathic medicine which requires for graduation completion of a course of resident instruction of at least nine months actual attendance in each of four years and successful completion of a course of instruction totaling 4,000 hours or more. (The required courses of instruction are set out in the statute.)

Requires successful completion of an examination given by the department; not have a license anywhere else that is suspended or revoked; be a citizen or person lawfully admitted to the country; and be of good moral character.

08.45.110: Same, except that under subsection (3), after "completion of a course of instruction totaling 4,000 hours or more", requirement is added: "of which at least 1,500 hours is clinical experience".

08.45.110: Previous subsections (1) and (2) are deleted and replaced by a new subsection (1), which states an applicant shall "hold a bachelor's degree from an accredited college of liberal arts or sciences".

Previous (3) is now (2), in which references to "naturopathic medicine" are deleted; the school of naturopathy must be approved by the department; and the list of courses of instruction is deleted.

Previous (4) is now (3).

Previous (5) is now (4).

Previous (6) is now (5).

Previous (7) is deleted (be of good moral character).

New (6) requires that, upon graduating from a school of naturopathy, a one-year internship with a licensed naturopath must be completed.

08.45.110: Same as L&C CS, except in (2), where the Commission on Postsecondary Education would approve schools of naturopathy, rather than the department.

08.45.120 Authorizes the department to hold examinations for licensing, which examinations shall be limited to the subjects listed in 08.45.110(3). Exam will be in writing, but may be supplemented by oral examination. Applicant must receive an overall average of 75% and no less than 70% in more than two sections.

08.45.120:  
Same.

08.45.120:  
(a) adds that examinations will be held at least twice each year. Deletes sentence limiting examination to the subjects listed in 08.45.110(3).

(b) adds that an applicant may apply to be reexamined if the applicant fails the examination.

Same as L&C CS.

08.45.130 This section sets up a reciprocal arrangement; it allows the department to license without examination a person currently licensed in another state or in a province of Canada if the state's or province's licensing standards are equivalent or higher than those in this chapter; the state or province offers reciprocity to those licensed in Alaska; and the person demonstrates satisfactorily to the department qualifications equal to those licensed under this chapter.

08.45.130:  
Same.

08.45.130:  
Title is changed from "Endorsement" to "Temporary Permit".

Same as L&C CS.

A new (a) is created, which encompasses the previous language of this entire section with the following changes:

Rather than licensing a person who meets the following qualifications, the department may issue a temporary permit to practice naturopathy.

New (1), (1)(a) and (1)(b) correspond to previous introductory language, (1) and (2), with the addition of the word "territory".

Previous (3) now appears as (a)(1)(C).

A new subsection (a)(2) is added, which reads, "qualifies for a license under AS 08.45.110(1)-(5) and is working as an intern supervised by a naturopath with a license or temporary permit issued under this chapter."

A new subsection (b) is added, which says that a temporary permit is valid under the date on which the results of the next examination offered are

released, and that a temporary permit is valid for one year.

08.45.140 The department may deny, suspend or revoke the license of a person or applications who: obtains license by fraud or deceit; wilfully violates a provision of the chapter; is an alcoholic; abuses controlled substances; impersonates another physician; practices under an assumed name; or is convicted of a crime involving moral turpitude.

08.45.140:  
Same.

08.45.140:  
Title is changed to "License Renewal", and provides that a license expires unless renewed every four years.

Same as L&C CS.

A section similar to previous 08.45.140 can now be found under 08.45.210.

08.45.150 Sets up fees: \$25 for examination, \$10 for reexamination; \$100 for license or biennial renewal; \$25 for temporary permit.

08.45.150: fees are changed as follows: examination, \$50; license or biennial renewal, \$200; temporary permit, \$50. The \$10 reexamination fee remains the same.

08.45.150:  
Same as HESS committee substitute.

08.45.150: Same as HESS CS.

08.45.160 Details scope of naturopathic practice.

a) A naturopath may:  
1) perform physical examinations; write prescriptions for substances authorized; sign birth and death certificates;  
2) use systems of diagnosis for which naturopathic physician has been trained;  
3) treat patients by physiological, nutritional, psychological, mechanical, electrical, manual, hydrotherapeutic, phytotherapeutic, mineral and organic substances and agencies, including acupuncture;  
4) draw blood for laboratory purposes and use electrical and other methods for repair and care of superficial lacerations and abrasions, benign superficial lesions, and removal of foreign bodies located in superficial structures;  
5) practice natural childbirth in obstetrics, including related minor surgical procedures.

08.45.160: Remains the same except under subsection (2), where a statute reference is added, so that the section now reads, "use systems of diagnosis for which the naturopathic physician has been trained under AS 08.45.110(3)".

08.45.160: Changes words "naturopathic medicine" to "naturopathy".

Deletes previous (1), which allowed naturopaths to perform physical exams, write prescriptions and sign birth and death certificates.

Previous (2) is new (1); statute reference is deleted.

Previous (3) is new (2); deleted from list of authorized practices is treating patients by psychological and electrical means, or with acupuncture.

Previous (4) is deleted (which authorized drawing blood and repairing lacerations and abrasions and removal foreign bodies).

Previous (5) is deleted (authorizing practicing natural childbirth in obstetrics, including related minor surgical procedures).

08.45.160: Same as L&C CS, except adds a new subsection (a)(3), which authorizes naturopaths to practice natural childbirth in obstetrics.

b) Naturopath may not:  
1) perform surgery except as provided in this chapter;  
2) use controlled substances;  
3) use radiation therapy;  
4) use drugs except antiseptics, local anesthetics, minerals and extracts, compounds or concentrates obtained from plants or animals.

(b) remains the same.

(b) (1) New language prohibits any surgery;

(2) cannot use or prescribe controlled substances;

(3) previous subsection banned use of radiation therapy; new language bans use of x-ray equipment, radium or irradiation for diagnosis or therapy.

Previous (4) is deleted.

08.45.170 The department may prescribe continuing education requirements. Before a license may be renewed, the licensee shall submit evidence of completion of continuing education requirements to the department. The department may exempt a licensee from the continuing education requirement in extenuating circumstances. No more than one exemption in a five year period.

08.45.170: Same.

08.45.170: Same.  
Minor language change in subsection (b), which does not change the effect.

08.45.170: Same as L&C CS.

Article 3.  
General Provisions

No change in title of Article 3.

No change in title of Article 3.

No change in title of Article 3.

08.45.200 Titles and Abbreviations:

a) authorized titles are: Naturopath, Doctor of Naturopathy, or N.D. May not use a title that suggested a form of medicine or healing art other than naturopathy. b) may not use a title or abbreviation listed herein unless licensed under this chapter.

08.45.205

a) Defines as a Class B misdemeanor: fraudulently obtaining a permit, license, renewal or required record; or wilfully violating a provision of law or a regulation.

b) Defines as a Class A misdemeanor practicing naturopathy or naturopathic medicine without a permit or license.

08.45.200: Same.

08.45.205: Same.

08.45.200: Same, except that provisions now apply to those holding permits under this chapter, as well as those licensed under the chapter.

08.45.205 is deleted; similar provisions now appear at 08.45.220.

08.45.200: Same as L&C CS.

08.45.210: New section  
entitled, Imposition of  
Disciplinary Sanctions:

08.45.210: Same as L&C CS.

Provides that after a hearing, the department may limit, deny, suspend or revoke a license or temporary permit, or censure a licensee or permittee if the person 1) secured the license/permit through deceit, fraud or intentional misrepresentation; 2) engaged in deceit, fraud, misrepresentation in the course of providing professional services; 3) advertised services in a false or misleading manner; 4) has been convicted of a felony or other crime that affects ability to practice competently; 5) fails to comply with this chapter or a regulation adopted; 6) continues to practice after becoming unfit due to a) professional incompetence, b) addiction or severe dependency on alcohol or other drugs, or c) physical or mental disability; or 7) engages in lewd or immoral conduct in connection with delivery of service to a patient.

08.45.220

defines department as C&ED; and naturopathy and naturopathic medicine as "a system of healing the human body that includes diagnosis and treatment through the use of natural agencies, forces, processes, and products with emphasis on the response of the individual to the disease rather than its treatment in isolation".

08.45.220: Same.

08.45.220: Title is changed from "Definitions" to "Violations".

08.45.220: Same as L&C CS.

a) except as provided in (b) herein, it is a class B misdemeanor to intentionally violate a provision of this chapter or a regulation adopted;

b) a person practicing naturopathy without a valid license or permit is guilty of a Class A misdemeanor.

08.45.900 New section entitled "Definitions".

1) definition of "department" remains C&ED.

2) definition of naturopathy is redefined to "a system of human health care that promotes good health through the prevention and treatment of illness by the use of educational, physical, nutritional, botanical, hygienic and other methods, and without the use of prescription drugs, surgery, x-ray equipment or radium therapy".

(Compare to definition under 08.45.220, above, under HB 347 column.)

Section 3

Licensing of Practitioners of Naturopathy or Naturopathic Medicine Without Examination:

States that the commissioner shall license all persons who meet the qualifications of 08.45.110(1)-(3) and (5)-(7) who apply for license no later than 6/30/84.

Section 4:

Effective date is 7/1/83.

Section 3:

Same, except last date on which a person may apply for licensure is extended one year to 6/30/85.

Section 4:

Effective date is extended one year to 7/1/84.

Section 3:

Title is changed to: Temporary Permits for Practitioners of Naturopathy.

States that a) the Department shall issue a temporary permit to practice naturopathy to a person who is 1) practicing naturopathy in the state; 2) meets the qualifications of 08.45.110 or 08.45.130(a)(2), except of 08.45.110(3) and 3) applies for the permit; and,

b) a temporary permit issued under this section is valid until the date on which the results of the first examination offered are released.

Section 4: New language setting terms for the first Board members: one 1-year term; two 2-year terms; two 3-year terms.

Section 5: New effective date of 1/1/85.

Section 3: Title changed to: Licensing of Practitioners of Naturopathy or Naturopathic Medicine Without Examination Or Internship.

States that the department shall license a person who (a) on the effect date of this Act, (1) is residing and practicing naturopathy in the state; 2) is licensed by examination to practice naturopathy in another state, territory or province; 3) has graduated from a school of naturopathy that has as a requirement for graduation successful completion of a course of resident instruction of at least nine months actual attendance in each of 4 years and successful completion of a course of study totaling at least 4,000 hours; and b) applies for licensure under AS 08.45 no later than 6/30/85.

Section 4: Same as L&C CS.

Section 5: Immediate effective date.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: March 28, 1984

<u>REQUEST</u> Bill/Resolution No.: <u>CS HB 347 (L+C)</u> Title: <u>"An Act relating to the licensing of Naturopaths"</u> Sponsor: <u>Labor &amp; Commerce Comm.</u> Requestor: <u>Labor &amp; Commerce Comm.</u> Date of Request: <u>March 28, 1984</u>	<u>FISCAL DETAIL</u> Agency Affected: <u>Commerce &amp; Economic Dev.</u> Program Category Affected: <u>Public Protection</u> BRU, Program or Subprogram(s) Affected: <u>Occupational Licensing</u>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	0	31.7	33.3	35.0	36.7	38.6
200 TRAVEL	0	7.8	8.2	8.6	9.1	9.5
300 CONTRACTUAL	0	5.7	6.0	6.3	6.6	7.0
400 SUPPLIES	0	.5	.5	.6	.6	.6
500 EQUIPMENT	0	4.4	-0-	-0-	-0-	-0-
600 LAND & STRUCTURES	0	4.1	4.3	4.5	4.7	4.9
700 GRANTS, CLAIMS	0	-0-	-0-	-0-	-0-	-0-
800 MISCELLANEOUS	0	-0-	-0-	-0-	-0-	-0-
<b>TOTAL OPERATING</b>	<b>0</b>	<b>54.2</b>	<b>52.3</b>	<b>55.0</b>	<b>57.7</b>	<b>60.6</b>
<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>REVENUE</b>	<b>0</b>	<b>1.2</b>	<b>1/5</b>	<b>1.7</b>	<b>2.0</b>	<b>2.2</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	54.2	52.3	55.0	57.7	60.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0</b>	<b>54.2</b>	<b>52.3</b>	<b>55.0</b>	<b>57.8</b>	<b>60.6</b>

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NOT IDENTIFIED BY THE SPONSOR

ANALYSIS: Attach a separate page for analysis SEE ATTACHED

Prepared By: Darrell Miller Phone: 465-2535  
 Division: Occupational Licensing Date: 3/28/84  
 Approved by Commissioner: Richard A. Lyon Date: 3/31/84  
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

## FISCAL ANALYSIS

CS HB 347

### Assumptions:

This bill creates a new five member board. This will impose a fiscal impact on operating expenses for board travel and for additional support staff that will be required to implement the provisions of the bill.

Support staff travel will be required to attend the board meetings to administer examinations, assist the board in conducting board meetings, and assist the board in developing regulations to implement the provisions of the bill.

The bill does provide fees for application for examination and for license issuance. It is anticipated that in FY '85 a total of 5 persons would be licensed under the provisions of this bill for a total revenue of \$1,250.00. It is anticipated that one additional person would be licensed under this bill each succeeding fiscal year thereafter.

The revenue generated from the licensing provisions of this bill would be minimal and would not off-set the operating costs of the board and support staff functions.

The bill is silent on the number of meetings the board shall conduct each year, however the bill does specify that the board shall conduct examinations for licensing of naturopath at least twice each year. It is anticipated that the board would hold two such board meetings in order to meet this mandatory examination criteria.

The bill is silent on the issue of geographic area of residence for the five board members to be appointed. In the absence of specific guidelines, it is anticipated that two of the members would be appointed from the Interior Region, one from South Eastern Region and two from the South Central Region.

Based on this anticipation, and the unknown factors of where the board would want to hold the two annual meetings, the fiscal note was prepared with a single figure for transportation and per diem. If meetings are rotated around the state, as most boards do, the cost factor would even out eventually.

CS HOUSE BILL NO. 347

100 PERSONAL SERVICES: (FY '84 salary schedule with a 5%  
inflation factor projected)

1 License Examiner, Range 12A, General Government,  
12 months, located in Juneau \$31,721.83

200 TRAVEL: (Estimated Costs)

2 Support Staff to Board:

Transportation: 2 board meetings each @ \$400.00 per  
trip \$1,600.00

Per Diem: 2 board meetings each - 2 days each  
meeting @ \$80.00 per day = 2 x \$80.00  
x 2 staff x 2 meetings 640.00

5 Board members:

Transportation: 2 board meetings @ \$400.00 each  
x 5 board members 4,000.00

Per Diem: 2 board meetings each - 2 days each  
meeting @ \$80.00 per day = 2 x \$80.00  
x 5 board members x 2 meetings 1,600.00

Total Travel Costs: \$7,840.00

300 CONTRACTUAL: (Estimated Costs)

Postage, telephone, printing, publication and other  
operating costs \$4,500.00

Professional Examination Service fees for licensing  
examinations: (Estimated 5 licenses issued by examination  
in FY '85 @ \$125.00 each) 625.00

Meeting rooms for board meetings: 2 meetings 2 days each  
@ \$150.00 per day 600.00

Total Contractual Costs: \$5,725.00

400 COMMODITIES: (Estimated costs)

Stationery, typewriter ribbons, pens, pencils, tablets  
and other miscellaneous desk top supplies \$ 500.00

500 EQUIPMENT: (One time cost - FY '85 only)

1 desk, double pedestal, 60" x 30" @ \$568.22 each	\$ 568.22
1 chair, swivel with arms @ \$225.42 each	225.42
1 typewriter, IBM correcting selectric with dual pitch, 15.5 inch paper capacity @ \$1,369.36 each	1,369.36
1 chair, side, without arms, contour style @ \$114.60 each	114.60
1 calculator, desk, printing and display, 12 digit, @ \$364.66 each	364.66
1 recording machine, portable, Lanier @ \$775.87 each	775.87
1 file cabinet, 5 drawer, legal with lock @ \$406.91 each	406.91
1 storage cabinet, 36" x 18" x 78" @ \$192.44 each	192.44
1 table, 72" x 36" @ \$340.36 each	<u>340.36</u>
Total Equipment Cost:	\$4,357.84

600 LAND & STRUCTURES: (Estimated Costs)

Office Space:

1 License Examiner: 150 square feet @ \$2.25 per foot per month x 12 months	\$4,050.00
--	------------

TOTAL OPERATING COSTS:	\$54,194.67
------------------------	-------------

1.	POSITION TITLE License Examiner I				RANGE/STEP 12A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION AWA	ELECTION DISTRICT ALL	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1			2		3				
	PERSONAL SERVICES									
5.	Salary		23.6							
6.	Benefits		3.9							
7.	Supplemental Benefits		1.5							
8.	Fixed Benefits		2.7							
9.	TOTAL PERSONAL SERVICES	01		31.7						
10.	Travel	02		7.8						
11.	Contractual	03		5.7						
12.	Commodities	04		.5						
13.	Equipment	05		4.4						
14.	Other - Land & Structures			4.1						
15.	TOTAL COST			54.2						
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		54.2						
19.		I-A Receipts 1C05								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER _____										

This position would be required under CS HB NO. 347 "An Act relating to the licensing of Naturopaths and providing for an effective date", to implement the provisions of AS 08.45, to provide necessary support to the Board of Naturopathic Examiners in the organization of the board, initial licensing of applicants, establishing license files, computer entry of license data, conducting board meetings (providing administrative support for such meetings), communications with other professional boards, communications with other States with similiar statutes in regards to licensing, providing budget input to the Division as to board needs for funding, and any other duty as required.

**13** REQUEST FOR  
NEW POSITION

AGENCY Commerce & Economic Development  
PROGRAM Public Protection  
BRU Occupational Licensing  
COMPONENT Administration

Page 1 of 1  
Revised Date 3/28/84

**FY 84**

Offered: 3/29/84  
Referred: Finance

Naturopaths' CS

Original sponsors: Martin and Tischer

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 347 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the licensing of naturopaths; and  
7 providing for an effective date."

8

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

9

\* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

10

(24) regulation of naturopaths under AS 08.45.

11

\* Sec. 2. AS 08 is amended by adding a new chapter to read:

12

CHAPTER 45. NATUROPATHS.

13

ARTICLE 1. BOARD OF NATUROPATHIC EXAMINERS.

14

Sec. 08.45.010. CREATION AND MEMBERSHIP OF THE BOARD. There is

15

established the Board of Naturopathic Examiners consisting of

16

(1) three <sup>naturopathic physicians</sup> ~~naturopaths~~ licensed under this chapter;

17

(2) one doctor licensed under AS 08.64; and

18

(3) one public member.

19

Sec. 08.45.030. TERM OF OFFICE. Members of the board serve

20

staggered terms of three years. A member may be appointed to serve no  
21 more than two consecutive full terms.

22

Sec. 08.45.040. APPLICABILITY. AS 08.45.010 - 08.45.040 apply

23

one year after the first eight licenses are issued under this chapter.

24

After AS 08.45.010 - 08.45.040 become applicable, <sup>the</sup> board shall

25

exercise the powers and duties of the department <sup>and Council of Naturopathic advisors</sup> under this chapter.

26

ARTICLE 2  
see attached  
papers

ARTICLE 3. REGULATION OF NATUROPATHY.

27

Sec. 08.45.090. DUTIES AND POWERS. (a) The department shall

28

(1) evaluate the qualifications of applicants for licenses

29

under this chapter;

1 (2) conduct hearings and keep records necessary to carry  
2 out the purposes of this chapter; and

3 (3) license naturopaths and renew licenses in accordance  
4 with AS 08.45.100 - 08.45.170.

5 (b) <sup>(4) See attached papers' temporary permits</sup> The department may establish by regulation educational  
6 requirements for licensure under this chapter in addition to require-  
7 ments under AS 08.45.110(2) that are equivalent to or higher than  
8 requirements in other states that license naturopaths, and identify  
9 schools that provide courses of study that satisfy the requirements.

10 Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage  
11 in the practice of naturopathy unless that person has a valid license  
12 or temporary permit issued under this chapter.

13 Sec. 08.45.110. LICENSURE AS A NATUROPATH. To be eligible for a  
14 license as a naturopath, an applicant shall

15 (1) hold a bachelor's degree from an accredited college of  
16 liberal arts or sciences;

17 (2) have graduated from a school of naturopathy approved by  
18 the department that has as a requirement for graduation successful  
19 completion of a course of resident instruction of at least nine months  
20 actual attendance in each of four years and successful completion of a  
21 course of study totaling at least 4,000 hours of instruction of which  
22 at least 1,500 hours is clinical experience;

23 (3) successfully complete an examination given by the  
24 department;

25 (4) not have a license to practice naturopathy in another  
26 state, province, or territory, that is suspended or revoked for disci-  
27 plinary reasons;

28 (5) be a United States citizen or lawfully admitted to  
29 permanent residence in this country; and

1 (6) after graduating from a school of naturopathy, complete  
2 a one-year internship supervised by a naturopath licensed in this or  
3 another state.

4 Sec. 08.45.120. EXAMINATION. (a) An examination for licensing  
5 as a naturopath shall be held at least twice each year at a time and  
6 place and shall be conducted as determined by the department. The  
7 examination shall be objective and in writing, but may be supplemented  
8 by oral examinations, and by demonstrations or other practical tests  
9 as the department may require.

10 (b) To pass the examination an applicant shall receive an over-  
11 all average of 75 percent and may not receive less than 70 percent in  
12 more than two sections. If an applicant fails the examination, the  
13 applicant may apply to be reexamined.

14 *New Sec* *Licensure by Credentials* *see attached papers*  
14 ~~Sec. 08.45.130. TEMPORARY PERMIT. (a) The department may issue~~  
15 ~~a temporary permit to practice naturopathy to a person if the person~~

16 ~~(1) is currently licensed as a naturopath in another state~~  
17 ~~or territory or in a province of Canada; and~~

18 ~~(A) that state, territory, or province maintains~~  
19 ~~professional licensing standards equivalent or higher than those~~  
20 ~~in this chapter;~~

21 ~~(B) that state, territory, or province extends the~~  
22 ~~same licensing privilege to those holding a license in this~~  
23 ~~state; and~~

24 ~~(C) the person demonstrates to the satisfaction of the~~  
25 ~~department qualifications at least equal to those required of~~  
26 ~~persons licensed under this chapter; or~~

27 ~~(2) qualifies for a license under AS 08.45.110(1) - (5) and~~  
28 ~~is working as an intern supervised by a naturopath with a license or~~  
29 ~~temporary permit issued under this chapter.~~

1 ~~(b) A temporary permit issued under (a)(1) of this section is~~  
2 ~~valid until the date on which the results of the next examination that~~  
3 ~~is offered under AS 08.45.120 are released. A temporary permit issued~~  
4 ~~under (a)(2) of this section is valid for one year.~~

5 Sec. 08.45.140. LICENSE RENEWAL. A license issued under this  
6 chapter expires unless it is renewed every four years.

7 Sec. 08.45.150. FEES. The following fees are imposed under this  
8 chapter:

- 9 (1) application for examination ..... \$ 50
- 10 (2) application for re-examination..... 10
- 11 (3) license issuance or renewal ..... 200
- 12 (4) temporary permit issuance..... 50

13 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-  
14 path in the course of the practice of naturopathy may

- 15 (1) use systems of diagnosis for which the naturopath has  
16 been trained; *including drawing blood for laboratory purposes and the use of*  
*x-ray equipment for diagnostic purposes.*
- 17 (2) treat patients by physiological, nutritional, mechan-  
18 ical, manual, *including repair & care of superficial lacerations and lesions*  
19 hydrotherapeutic and phytotherapeutic means, ~~with accu-~~  
20 ~~prate,~~ and with minerals, and with extracts, compounds and concen-  
21 trates obtained from plants or animals.

22 (b) A naturopath may not

- 23 (1) perform surgery;
- 24 (2) use or prescribe controlled substances as defined in  
25 AS 11.81.900(b)(6); or
- 26 (3) use x-ray equipment, *for therapeutic purposes or radiation*  
~~radium, or irradiation for diagno-~~ *therapy*  
~~sis or therapy.~~

27 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department shall  
28 prescribe by regulation continuing education requirements for ~~persons~~ *physicians*  
29 licensed under this chapter.

1 (b) Before a license issued under this chapter may be renewed,  
2 the licensee shall submit to the department evidence of completion of  
3 continuing education requirements.

4 (c) The department may exempt a licensee from the continuing  
5 education requirement upon an application of the licensee setting out  
6 extenuating circumstances. A licensee may not receive more than one  
7 exemption under this subsection in a five-year period.

8 ARTICLE 4. GENERAL PROVISIONS.

9 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person with a  
10 license or permit under this chapter may use the following titles:  
11 "Naturopath", "Doctor of Naturopathy", <sup>Naturopathic Physicians</sup> or its abbreviation, "N.D.". A  
12 person with a license or permit under this chapter may not use a title  
13 in a manner that suggests that the person practices a form of medicine  
14 or a healing art other than naturopathy.

15 (b) A person may not use a title or abbreviation listed in (a)  
16 of this section unless the person is licensed under this chapter.

17 Sec. 08.45.210. IMPOSITION OF DISCIPLINARY SANCTIONS. After a  
18 hearing, the department may limit, deny, suspend, or revoke a license  
19 or temporary permit, or censure a licensee or permittee if the person

20 (1) secured a license or permit under this chapter through  
21 deceit, fraud, or intentional misrepresentation;

22 (2) engaged in deceit, fraud, or intentional misrepresenta-  
23 tion in the course of providing professional services or engaging in  
24 professional activities;

25 (3) advertised professional services in a false or mislead-  
26 ing manner;

27 (4) has been convicted of a felony or other crime that  
28 affects the person's ability to continue to practice competently and  
29 safely;

1 (5) fails to comply with this chapter or a regulation  
2 adopted under this chapter;

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

4 (A) professional incompetence;

5 (B) addiction or severe dependency on alcohol or other  
6 drugs that impairs the person's ability to practice safely;

7 (C) physical or mental disability;

8 (7) engaged in lewd or immoral conduct in connection with  
9 the delivery of professional service to a patient.

10 Sec. 08.45.220. VIOLATIONS. (a) Except as provided in (b) of  
11 this section, a person is guilty of a class B misdemeanor if the  
12 person intentionally violates a provision of this chapter or a regula-  
13 tion adopted under this chapter.

14 (b) A person who practices naturopathy without a valid temporary  
15 permit or license issued under this chapter is guilty of a class A  
16 misdemeanor.

17 Sec. 08.45.900. DEFINITIONS. In this chapter

18 (1) "department" means the Department of Commerce and  
19 Economic Development;

20 (2) "naturopathy" and "naturopathic" means a system of  
21 human health care that promotes good health through the prevention and  
22 treatment of illness <sup>including assisting in child birth</sup> by the use of educational, physical, nutritional,  
23 botanical, hygienic and other methods, and without the use of pre-  
24 scription drugs, <sup>except for that which is allowed by 8.45.100 (1) and (2)</sup> surgery, ~~any equipment~~ or radium therapy.

25 \* Sec. 3. TEMPORARY PERMITS FOR PRACTITIONERS OF NATUROPATHY. (a) The  
26 Department of Commerce and Economic Development shall issue a temporary  
27 permit to practice naturopathy to a person who, on the effective date of  
28 this Act,

29 (1) is practicing naturopathy in the state;

Delete

*Delete*

1 (2) ~~meets all the qualifications of AS 08.45.110 or 08.45.130-~~

2 (a)(2), except for AS 08.45.110(3); and

3 (3) ~~applies for the permit.~~

4 (b) A temporary permit ~~issued under this section is valid until the~~

5 date on which the results of the first examination that is offered under

6 AS 08.45.120, as enacted in sec. 2 of this Act, are released.

7 *Sec - See attached paper. Licensing of practitioners of Naturopathy without examini*

\* Sec. 4. Notwithstanding AS 08.45.010 as enacted in sec. 2 of this

8 Act, the first members of the Board of Naturopathic Examiners shall be

9 appointed for the following terms; one member shall serve a one-year term,

10 two members shall serve two-year terms, and two members shall serve three-

11 year terms.

12 \* Sec. 5. This Act takes effect *immediately* ~~January 1, 1985~~.

13

ARTICLE 2. COUNCIL OF NATUROPATHIC ADVISORS  
CREATION AND MEMBERSHIP OF THE COUNCIL.

Section:  
There is established a Council of Naturopathic advisors  
consisting of:

- (1) three Naturopathic Physicians licensed to practice naturopathy in some state;
- (2) actively practicing naturopathy in Alaska;
- (3) who will serve without pay or other compensation;

Section: TERM OF OFFICE. Members of the council serve staggered terms of 3 years. A member may be appointed to serve no more than two consecutive full terms.

Section: DUTIES AND PURPOSE. The council shall give advise to the department in areas requiring professional judgement or knowledge of the naturopathic profession . The council shall help the department develop educational standards and criteria, examinations, and other regulations necessary for the implementation of this act. This council will also serve as a peer review board to hear and make recommendations to the department in cases involving individual naturopaths subject to or considered for imposition of disciplinary sanctions.

#### TEMPORARY PERMITS

(4) Provide for temporary permits to engage in the practice of naturopathic medicine for persons who meet the requirements for licensure under this chapter that are valid until certification of the results of the next examination given under AS.08.45.120. or for persons working as an intern supervised by a naturopath with a license or temporary permit until the completion of the 1 year internship requirement if they meet all other requirements.

Section                      LICENSURE BY CREDENTIALS. The department may license a person as a naturopath if the person is currently licensed by examination as a naturopath in another state or in a province of Canada and

(1) that state or province maintains professional licensing standards equivalent or higher than those in this chapter;

(2) that state or province extends the same licensing privilege to those holding a license in this state; and

(3) the person demonstrates to the satisfaction of the department qualifications at least equal to those required of persons licensed under this chapter.

Section LICENSING PRACTITIONERS OF NATUROPATHY  
WITHOUT EXAMINATION OR INTERNSHIP. The department shall license  
all persons who:

(1) are residing and practicing naturopathy in  
Alaska at the time this act is enacted.

(2) have graduated from a school of  
naturopathy that has a requirement for graduation successful  
completion of a course of resident instruction of at least nine  
months actual attendance in each of four years and successful  
completion of a course of study totaling at least 4000 hours of  
instruction.

(3) licensed to practice naturopathy by  
examination in another state.

(4) apply for licensure no later than.

Offered: 3/29/84  
Referred: Finance

Naturopaths' CS

Original sponsors: Martin and Tischer

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 347 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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see attached  
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3 (3) license naturopaths and renew licenses in accordance  
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18 the department that has as a requirement for graduation successful  
19 completion of a course of resident instruction of at least nine months  
20 actual attendance in each of four years and successful completion of a  
21 course of study totaling at least 4,000 hours of instruction of which  
22 at least 1,500 hours is clinical experience;

23 (3) successfully complete an examination given by the  
24 department;

25 (4) not have a license to practice naturopathy in another  
26 state, province, or territory, that is suspended or revoked for disci-  
27 plinary reasons;

28 (5) be a United States citizen or lawfully admitted to  
29 permanent residence in this country; and

1 (6) after graduating from a school of naturopathy, complete  
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3 another state.

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13 applicant may apply to be reexamined.

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15 Sec. 08.45.130. TEMPORARY PERMIT. (a) The department may issue  
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18 or territory or in a province of Canada; and

19 (A) that state, territory, or province maintains  
20 professional licensing standards equivalent or higher than those  
21 in this chapter;

22 (B) that state, territory, or province extends the  
23 same licensing privilege to those holding a license in this  
24 state; and

25 (C) the person demonstrates to the satisfaction of the  
26 department qualifications at least equal to those required of  
27 persons licensed under this chapter; or

28 (2) qualifies for a license under AS 08.45.110(1) - (5) and  
29 is working as an intern supervised by a naturopath with a license or  
temporary permit issued under this chapter.

*Dele fe*

1 ~~(b) A temporary permit issued under (a)(1) of this section is~~  
2 ~~valid until the date on which the results of the next examination that~~  
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4 ~~under (a)(2) of this section is valid for one year.~~

5 Sec. 08.45.140. LICENSE RENEWAL. A license issued under this  
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13 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-  
14 path in the course of the practice of naturopathy may

- 15 (1) use systems of diagnosis for which the naturopath has  
16 been trained; *including drawing blood for laboratory purposes and the use of*  
*x-ray equipment for diagnostic purposes.*
- 17 (2) treat patients by physiological, nutritional, mechan-  
18 ical, manual, *including repair + care of superficial lacerations and lesions*  
19 hydrotherapeutic and phytotherapeutic means, ~~with accu-~~  
20 ~~rate~~, and with minerals, and with extracts, compounds and concen-  
21 trates obtained from plants or animals.

21 (b) A naturopath may not

- 22 (1) perform surgery;
- 23 (2) use or prescribe controlled substances as defined in  
24 AS 11.81.900(b)(6); or
- 25 (3) use x-ray equipment, *for therapeutic purposes or radiation*  
~~radium, or irradiation for diagno-~~ *therapy*  
26 ~~sis or therapy.~~

27 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department shall  
28 prescribe by regulation continuing education requirements for ~~persons~~ *physicians*  
29 licensed under this chapter.

1 (b) Before a license issued under this chapter may be renewed,  
2 the licensee shall submit to the department evidence of completion of  
3 continuing education requirements.

4 (c) The department may exempt a licensee from the continuing  
5 education requirement upon an application of the licensee setting out  
6 extenuating circumstances. A licensee may not receive more than one  
7 exemption under this subsection in a five-year period.

8 ARTICLE 8. GENERAL PROVISIONS.

9 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person with a  
10 license or permit under this chapter may use the following titles:  
11 "Naturopath", "Doctor of Naturopathy", <sup>Naturopathic Physicians</sup> or its abbreviation, "N.D.". A  
12 person with a license or permit under this chapter may not use a title  
13 in a manner that suggests that the person practices a form of medicine  
14 or a healing art other than naturopathy.

15 (b) A person may not use a title or abbreviation listed in (a)  
16 of this section unless the person is licensed under this chapter.

17 Sec. 08.45.210. IMPOSITION OF DISCIPLINARY SANCTIONS. After a  
18 hearing, the department may limit, deny, suspend, or revoke a license  
19 or temporary permit, or censure a licensee or permittee if the person

20 (1) secured a license or permit under this chapter through  
21 deceit, fraud, or intentional misrepresentation;

22 (2) engaged in deceit, fraud, or intentional misrepresenta-  
23 tion in the course of providing professional services or engaging in  
24 professional activities;

25 (3) advertised professional services in a false or mislead-  
26 ing manner;

27 (4) has been convicted of a felony or other crime that  
28 affects the person's ability to continue to practice competently and  
29 safely;



1 (5) fails to comply with this chapter or a regulation  
2 adopted under this chapter;

3 (6) continued to practice after becoming unfit due to  
4 (A) professional incompetence;  
5 (B) addiction or severe dependency on alcohol or other  
6 drugs that impairs the person's ability to practice safely;

7 (C) physical or mental disability;

8 (7) engaged in lewd or immoral conduct in connection with  
9 the delivery of professional service to a patient.

10 Sec. 08.45.220. VIOLATIONS. (a) Except as provided in (b) of  
11 this section, a person is guilty of a class B misdemeanor if the  
12 person intentionally violates a provision of this chapter or a regula-  
13 tion adopted under this chapter.

14 (b) A person who practices naturopathy without a valid temporary  
15 permit or license issued under this chapter is guilty of a class A  
16 misdemeanor.

17 Sec. 08.45.900. DEFINITIONS. In this chapter

18 (1) "department" means the Department of Commerce and  
19 Economic Development;

20 (2) "naturopathy" and "naturopathic" means a system of  
21 human health care that promotes good health, through the prevention and  
22 treatment of illness, <sup>including assisting in child birth</sup> by the use of educational, physical, nutritional,  
23 botanical, hygienic and other methods, and without the use of pre-  
24 scription drugs, <sup>except for that which is allowed by 8.45.160 (1) and (2)</sup> ~~any~~ equipment or radium therapy.

25 \* Sec. 3. TEMPORARY PERMITS FOR PRACTITIONERS OF NATUROPATHY. (a) The  
26 Department of Commerce and Economic Development shall issue a temporary  
27 permit to practice naturopathy to a person who, on the effective date of  
28 this Act,

29 (1) is practicing naturopathy in the state;

*Delete*

*Delete*

1 (2) ~~meets all the qualifications of AS 08.45.110 or 08.45.130-~~

2 (a)(2), except for AS 08.45.110(3); and

3 (3) ~~applies for the permit.~~

4 (b) A temporary permit ~~issued under this section is valid until the~~  
5 ~~date on which the results of the first examination that is offered under~~  
6 ~~AS 08.45.120, as enacted in sec. 2 of this Act, are released.~~

*See - See attached paper. Licensing of practitioners of Naturopathy without examini*

7 \* Sec. 4. Notwithstanding AS 08.45.010 as enacted in sec. 2 of this  
8 Act, the first members of the Board of Naturopathic Examiners shall be  
9 appointed for the following terms; one member shall serve a one-year term,  
10 two members shall serve two-year terms, and two members shall serve three-  
11 year terms.

12 \* Sec. 5. This Act takes effect *immediately* ~~January 1, 1985.~~

13

ARTICLE 2. COUNCIL OF NATUROPATHIC ADVISORS

Section: CREATION AND MEMBERSHIP OF THE COUNCIL.

There is established a Council of Naturopathic advisors consisting of:

- (1) three Naturopathic Physicians licensed to practice naturopathy in some state;
- (2) actively practicing naturopathy in Alaska;
- (3) who will serve without pay or other

compensation;

Section: TERM OF OFFICE. Members of the council serve staggered terms of 3 years. A member may be appointed to serve no more than two consecutive full terms.

Section: DUTIES AND PURPOSE. The council shall give advise to the department in areas requiring professional judgement or knowledge of the naturopathic profession. The council shall help the department develop educational standards and criteria, examinations, and other regulations necessary for the implementation of this act. This council will also serve as a peer review board to hear and make recommendations to the department in cases involving individual naturopaths subject to or considered for imposition of disciplinary sanctions.

#### TEMPORARY PERMITS

(4) Provide for temporary permits to engage in the practice of naturopathic medicine for persons who meet the requirements for licensure under this chapter that are valid until certification of the results of the next examination given under AS.08.45.120. or for persons working as an intern supervised by a naturopath with a license or temporary permit until the completion of the 1 year internship requirement if they meet all other requirements.





Offered: 3/29/84  
Referred: Finance

COMPROMISE  
CS

Original sponsors: Martin and Tischer

1 IN THE HOUSE

BY THE <sup>Finance</sup> ~~LABOR AND~~  
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 347 <sup>Finance</sup> (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the licensing of naturopaths; and  
7 providing for an effective date."

8

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

9

\* Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

10

(24) regulation of naturopaths under AS 08.45.

11

\* Sec. 2. AS 08 is amended by adding a new chapter to read:

12

CHAPTER 45. NATUROPATHS.

13

ARTICLE 1. BOARD OF NATUROPATHIC EXAMINERS.

14

Sec. 08.45.010. CREATION AND MEMBERSHIP OF THE BOARD. There is

15

established the Board of Naturopathic Examiners consisting of

16

(1) three naturopaths licensed under this chapter;

17

(2) one doctor licensed under AS 08.64; and

18

(3) one public member.

19

Sec. 08.45.030. TERM OF OFFICE. Members of the board serve

20

staggered terms of three years. A member may be appointed to serve no

21

more than two consecutive full terms.

22

Sec. 08.45.040. APPLICABILITY. AS 08.45.010 - 08.45.040 apply

23

one year after the first eight licenses are issued under this chapter.

24

After AS 08.45.010 - 08.45.040 become applicable, the board shall

25

exercise the powers and duties of the department under this chapter.

26

ARTICLE 2. REGULATION OF NATUROPATHY.

27

Sec. 08.45.090. DUTIES AND POWERS. (a) The department shall

28

(1) evaluate the qualifications of applicants for licenses

29

under this chapter;

1 (2) conduct hearings and keep records necessary to carry  
2 out the purposes of this chapter; and

3 (3) license naturopaths and renew licenses in accordance  
4 with AS 08.45.100 - 08.45.170.

5 (b) The department may establish by regulation educational  
6 requirements for licensure under this chapter in addition to require-  
7 ments under AS 08.45.110(2) that are equivalent to or higher than  
8 requirements in other states that license naturopaths, and identify  
9 schools that provide courses of study that satisfy the requirements.

10 Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage  
11 in the practice of naturopathy unless that person has a valid license  
12 or temporary permit issued under this chapter.

13 Sec. 08.45.110. LICENSURE AS A NATUROPATH. To be eligible for a  
14 license as a naturopath, an applicant shall

15 (1) hold a bachelor's degree from an accredited college of  
16 liberal arts or sciences;

17 (2) have graduated from a school of naturopathy <sup>approved by the Alaska</sup> ~~approved by~~  
18 <sup>on Postsecondary Education</sup> ~~the department~~ that has as a requirement for graduation successful  
19 completion of a course of resident instruction of at least nine months  
20 actual attendance in each of four years and successful completion of a  
21 course of study totaling at least 4,000 hours of instruction of which  
22 at least 1,500 hours is clinical experience;

23 (3) successfully complete an examination given by the  
24 department;

25 (4) not have a license to practice naturopathy in another  
26 state, province, or territory, that is suspended or revoked for disci-  
27 plinary reasons;

28 (5) be a United States citizen or lawfully admitted to  
29 permanent residence in this country; and

1 (6) after graduating from a school of naturopathy, complete  
2 a one-year internship supervised by a naturopath licensed in this or  
3 another state.

4 Sec. 08.45.120. EXAMINATION. (a) An examination for licensing  
5 as a naturopath shall be held at least twice each year at a time and  
6 place and shall be conducted as determined by the department. The  
7 examination shall be objective and in writing, but may be supplemented  
8 by oral examinations, and by demonstrations or other practical tests  
9 as the department may require.

10 (b) To pass the examination an applicant shall receive an over-  
11 all average of 75 percent and may not receive less than 70 percent in  
12 more than two sections. If an applicant fails the examination, the  
13 applicant may apply to be reexamined.

14 Sec. 08.45.130. TEMPORARY PERMIT. (a) The department may issue  
15 a temporary permit to practice naturopathy to a person if the person

16 (1) is currently licensed as a naturopath in another state  
17 or territory or in a province of Canada; and

18 (A) that state, territory, or province maintains  
19 professional licensing standards equivalent or higher than those  
20 in this chapter;

21 (B) that state, territory, or province extends the  
22 same licensing privilege to those holding a license in this  
23 state; and

24 (C) the person demonstrates to the satisfaction of the  
25 department qualifications at least equal to those required of  
26 persons licensed under this chapter; or

27 (2) qualifies for a license under AS 08.45.110(1) - (5) and  
28 is working as an intern supervised by a naturopath with a license or  
29 temporary permit issued under this chapter.

1 (b) A temporary permit issued under (a)(1) of this section is  
2 valid until the date on which the results of the next examination that  
3 is offered under AS 08.45.120 are released. A temporary permit issued  
4 under (a)(2) of this section is valid for one year.

5 Sec. 08.45.140. LICENSE RENEWAL. A license issued under this  
6 chapter expires unless it is renewed every four years.

7 Sec. 08.45.150. FEES. The following fees are imposed under this  
8 chapter:

- 9 (1) application for examination ..... \$ 50  
10 (2) application for re-examination..... 10  
11 (3) license issuance or renewal ..... 200  
12 (4) temporary permit issuance..... 50

13 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-  
14 path in the course of the practice of naturopathy may

15 (1) use systems of diagnosis for which the naturopath has  
16 been trained;

17 (2) treat patients by physiological, nutritional, mechan-  
18 ical, manual, hydrotherapeutic and phytotherapeutic means, with accu-  
19 pressure, and with minerals, and with extracts, compounds and concen-  
20 trates obtained from plants or animals;

21 (b) *(3) practice natural childbirth in obstetrics.*  
22 (b) A naturopath may not

23 (1) perform surgery;

24 (2) use or prescribe controlled substances as defined in  
AS 11.81.900(b)(6); or

25 (3) use x-ray equipment, radium, or irradiation for diagno-  
26 sis or therapy.

27 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department shall  
28 prescribe by regulation continuing education requirements for persons  
29 licensed under this chapter.

1 (b) Before a license issued under this chapter may be renewed,  
2 the licensee shall submit to the department evidence of completion of  
3 continuing education requirements.

4 (c) The department may exempt a licensee from the continuing  
5 education requirement upon an application of the licensee setting out  
6 extenuating circumstances. A licensee may not receive more than one  
7 exemption under this subsection in a five-year period.

8 ARTICLE 3. GENERAL PROVISIONS.

9 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person with a  
10 license or permit under this chapter may use the following titles:  
11 "Naturopath", "Doctor of Naturopathy" or its abbreviation, "N.D.". A  
12 person with a license or permit under this chapter may not use a title  
13 in a manner that suggests that the person practices a form of medicine  
14 or a healing art other than naturopathy.

15 (b) A person may not use a title or abbreviation listed in (a)  
16 of this section unless the person is licensed under this chapter.

17 Sec. 08.45.210. IMPOSITION OF DISCIPLINARY SANCTIONS. After a  
18 hearing, the department may limit, deny, suspend, or revoke a license  
19 or temporary permit, or censure a licensee or permittee if the person

20 (1) secured a license or permit under this chapter through  
21 deceit, fraud, or intentional misrepresentation;

22 (2) engaged in deceit, fraud, or intentional misrepresenta-  
23 tion in the course of providing professional services or engaging in  
24 professional activities;

25 (3) advertised professional services in a false or mislead-  
26 ing manner;

27 (4) has been convicted of a felony or other crime that  
28 affects the person's ability to continue to practice competently and  
29 safely;

1 (5) fails to comply with this chapter or a regulation  
2 adopted under this chapter;

3 (6) continued to practice after becoming unfit due to  
4 (A) professional incompetence;  
5 (B) addiction or severe dependency on alcohol or other  
6 drugs that impairs the person's ability to practice safely;

7 (C) physical or mental disability;

8 (7) engaged in lewd or immoral conduct in connection with  
9 the delivery of professional service to a patient.

10 Sec. 08.45.220. VIOLATIONS. (a) Except as provided in (b) of  
11 this section, a person is guilty of a class B misdemeanor if the  
12 person intentionally violates a provision of this chapter or a regula-  
13 tion adopted under this chapter.

14 (b) A person who practices naturopathy without a valid temporary  
15 permit or license issued under this chapter is guilty of a class A  
16 misdemeanor.

17 Sec. 08.45.900. DEFINITIONS. In this chapter

18 (1) "department" means the Department of Commerce and  
19 Economic Development;

20 (2) "naturopathy" and "naturopathic" means a system of  
21 human health care that promotes good health through the prevention and  
22 treatment of illness by the use of educational, physical, nutritional,  
23 botanical, hygienic and other methods, and without the use of pre-  
24 scription drugs, surgery, x-ray equipment or radium therapy.

25 \* Sec. 3. ~~TEMPORARY PERMITS FOR PRACTITIONERS OF NATUROPATHY. (a) The~~  
26 ~~Department of Commerce and Economic Development shall issue a temporary~~  
27 ~~permit to practice naturopathy to a person who, on the effective date of~~  
28 ~~this Act,~~

29 (1) <sup>residing and</sup> is practicing naturopathy in the state;  
(2) is licensed by examination to practice naturopathy in another  
state, territory or province, ~~or in a province of Canada;~~

1 (b) Before a license issued under this chapter may be renewed,  
2 the licensee shall submit to the department evidence of completion of  
3 continuing education requirements.

4 (c) The department may exempt a licensee from the continuing  
5 education requirement upon an application of the licensee setting out  
6 extenuating circumstances. A licensee may not receive more than one  
7 exemption under this subsection in a five-year period.

8 ARTICLE 3. GENERAL PROVISIONS.

9 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person with a  
10 license or permit under this chapter may use the following titles:  
11 "Naturopath", "Doctor of Naturopathy" or its abbreviation, "N.D.". A  
12 person with a license or permit under this chapter may not use a title  
13 in a manner that suggests that the person practices a form of medicine  
14 or a healing art other than naturopathy.

15 (b) A person may not use a title or abbreviation listed in (a)  
16 of this section unless the person is licensed under this chapter.

17 Sec. 08.45.210. IMPOSITION OF DISCIPLINARY SANCTIONS. After a  
18 hearing, the department may limit, deny, suspend, or revoke a license  
19 or temporary permit, or censure a licensee or permittee if the person

20 (1) secured a license or permit under this chapter through  
21 deceit, fraud, or intentional misrepresentation;

22 (2) engaged in deceit, fraud, or intentional misrepresenta-  
23 tion in the course of providing professional services or engaging in  
24 professional activities;

25 (3) advertised professional services in a false or mislead-  
26 ing manner;

27 (4) has been convicted of a felony or other crime that  
28 affects the person's ability to continue to practice competently and  
29 safely;