

LEG. FINANCE - BILLS 1983 - 1984 1895

HB 347 cont. - HB 360

1895

(3) has graduated from a school of naturopathy that has⁹⁵ 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 totalling at least 4,000 hours; and

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 ~~(b)~~ ^b applies for ~~the permit~~ licensure under AS 08.45 no later than June 30, 1985.

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. 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

Offered: 3/29/84
Referred: Finance

COMPROMISE
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 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, 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~~ ^{on Postsecondary Education} 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

approved by the Alaska Commission

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) A naturopath may not
(3) practice natural childbirth in obstetrics.

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

29 (1) is ^{residing and} 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;~~

Offered: 3/29/84
Referred: Finance

COMPROMISE
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Original sponsors: Martin and Tischer

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

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18 ~~the department~~ *on Postsecondary Education* ^{approved by the Alaska Commission} 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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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
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- 9 (1) application for examination \$ 50
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19 pressure, and with minerals, and with extracts, compounds and concen-
20 trates obtained from plants or animals;

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24 AS 11.81.900(b)(6); or

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26 sis or therapy.

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5 education requirement upon an application of the licensee setting out
6 extenuating circumstances. A licensee may not receive more than one
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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.~~ *LICENSING OF PRACTITIONERS OF NATUROPATHY OR NATUROPATHIC MEDICINE*
26 ~~Department of Commerce and Economic Development shall issue a temporary~~ *WITHOUT EXAMINATION OR INTERNSHIP. The Department of Commerce and Economic Development*
27 ~~shall license a person who (a) on the effective date of this Act,~~ *shall license a person who (a) on the effective date of this Act,*
28 ~~permit to practice naturopathy to a person who, on the effective date of~~
~~this Act,~~

29 (1) *residing and* 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;

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).

Same as L&C CS.

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

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 substitue.

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.

Offered: 2/20/84
Referred: Labor & Commerce and
Finance

Original sponsors: Martin and Tischer

1 IN THE HOUSE
2
3 CS FOR HOUSE BILL NO. 347 (HESS)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 THIRTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act relating to the licensing of practitioners of
8 naturopathic medicine; and providing for an effective
9 date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:
12 (24) regulation of naturopathy or naturopathic medicine
13 under AS 08.45.
14 * Sec. 2. AS 08 is amended by adding a new chapter to read:
15 CHAPTER 45. NATUROPATHS.
16 ARTICLE 1. REGULATION OF NATUROPATHY.
17 Sec. 08.45.010. DUTIES AND POWERS. The department shall
18 (1) evaluate the qualifications of applicants for licenses
19 under this chapter;
20 (2) conduct hearings and keep records necessary to carry
21 out the purposes of this chapter;
22 (3) license naturopaths and renew licenses in accordance
23 with AS 08.45.100 - 08.45.170; and
24 (4) provide for temporary permits to engage in the practice
25 of naturopathic medicine for persons who are apparently qualified that
26 are valid until certification of the results of the next examination
27 given under AS 08.45.120.
28 ARTICLE 2. LICENSING OF NATUROPATHS.
29 Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage
in the practice of naturopathy or naturopathic medicine unless that

1 person has a valid license or temporary permit under this chapter.

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

4 (1) hold a high school diploma or the equivalent;

5 (2) have completed two years of postsecondary education at
6 an accredited college of liberal arts or sciences;

7 (3) have graduated from a legally chartered school or
8 college of naturopathic medicine that has as a requirement for gradua-
9 tion successful completion of a course of resident instruction of at
10 least nine months actual attendance in each of four years and success-
11 ful completion of a course of instruction totaling 4,000 hours or more
12 of which at least 1,500 hours is clinical experience; the course of
13 instruction shall include:

14 (A) anatomy, physiology, histology, and embryology;

15 (B) microbiology;

16 (C) pathology;

17 (D) immunology;

18 (E) public health;

19 (F) physical, clinical, and x-ray diagnosis;

20 (G) first aid and emergency medicine;

21 (H) obstetrics and gynecology;

22 (I) orthopedics;

23 (J) minor surgery and proctology;

24 (K) otolaryngology;

25 (L) physiotherapy and manipulative techniques;

26 (M) dietetics and clinical nutrition;

27 (N) botanical medicine;

28 (O) naturopathic theory, therapeutics and clinical

29 practice;

- 1 (P) jurisprudence;
- 2 (4) successfully complete an examination given by the
3 department;
- 4 (5) not have a license to practice naturopathic medicine in
5 another state, province, or territory, that is suspended or revoked
6 for disciplinary reasons;
- 7 (6) be a United States citizen or lawfully admitted to
8 permanent residence in this country; and
- 9 (7) be of good moral character.

10 Sec. 08.45.120. EXAMINATION. (a) An examination for licensing
11 as a naturopath shall be held at a time and place and shall be con-
12 ducted as determined by the department. The examination shall be
13 limited to the subjects listed in AS 08.45.110(3), each of which shall
14 constitute a separate examination section. The examination shall be
15 objective and in writing, but may be supplemented by oral examina-
16 tions, and by demonstrations or other practical tests as the depart-
17 ment may require.

18 (b) To pass the examination an applicant shall receive an over-
19 all average of 75 percent and may not receive less than 70 percent in
20 more than two sections.

21 Sec. 08.45.130. ENDORSEMENT. The department may license a
22 person as a naturopath if the person is currently licensed as a
23 naturopath in another state or in a province of Canada and

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

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

28 (3) the person demonstrates to the satisfaction of the
29 department qualifications at least equal to those required of persons

1 licensed under this chapter.

2 Sec. 08.45.140. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

3 The department may deny, suspend, or revoke the license of a person or
4 applicant who

5 (1) has obtained or attempted to obtain a license under
6 this chapter by fraud or deceit;

7 (2) wilfully violates a provision of this chapter or a
8 regulation adopted under this chapter;

9 (3) habitually overuses alcoholic beverages;

10 (4) unlawfully uses a controlled substance as defined in
11 AS 11.81.900(b)(6);

12 (5) impersonates another physician;

13 (6) practices under an assumed name; or

14 (7) is convicted of a crime involving moral turpitude,
15 including murder, sexual assault, robbery, kidnapping, incest, arson,
16 burglary, theft, and forgery.

17 Sec. 08.45.150. FEES. The following fees are imposed under this
18 chapter:

19 (1) application for examination \$ 50

20 (2) application for reexamination 10

21 (3) license issuance or biennial renewal 200

22 (4) issuance of temporary permit 50

23 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-
24 path in the course of the practice of naturopathic medicine may

25 (1) perform physical examinations, write prescriptions for
26 substances authorized in this chapter, and sign birth and death cer-
27 tificates;

28 (2) use systems of diagnosis for which the naturopathic
29 physician has been trained under AS 08.45.110(3);

1 (3) treat patients by physiological, nutritional, psycho-
2 logical, mechanical, electrical, manual, hydrotherapeutic, phytothera-
3 peutic, mineral and organic substances and agencies, including acu-
4 puncture, that are effective in stimulating normal function of tissues
5 and organs sensitized by disease;

6 (4) draw blood for laboratory purposes, and use electrical
7 or other methods for the repair and care of superficial lacerations
8 and abrasions, benign superficial lesions, and the removal of foreign
9 bodies located in superficial structures; and

10 (5) practice natural childbirth in obstetrics, including
11 related minor surgical procedures.

12 (b) A naturopath may not

13 (1) perform surgery except as provided under (a)(5) of this
14 section;

15 (2) use controlled substances as defined in AS 11.81.-
16 900(b)(6);

17 (3) use radiation therapy; or

18 (4) use drugs except antiseptics, local anesthetics, min-
19 erals and extracts, compounds or concentrates obtained from plants or
20 animals.

21 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department may
22 prescribe by regulation continuing education requirements for persons
23 licensed under this chapter.

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

27 (c) The department may exempt a licensee from the continuing
28 education requirement under (b) of this section upon an application of
29 the licensee setting out extenuating circumstances. A licensee may

1 not receive more than one exemption under this subsection in a five-
2 year period.

3 ARTICLE 3. GENERAL PROVISIONS.

4 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person li-
5 censed under this chapter may use the following titles: "Naturopath",
6 "Doctor of Naturopathy" or its abbreviation, "N.D.". A person li-
7 censed under this chapter may not use a title in a manner that sug-
8 gests that the person practices a form of medicine or a healing art
9 other than naturopathy.

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

12 Sec. 08.45.205. VIOLATIONS. (a) A person is guilty of a
13 class B misdemeanor if the person

14 (1) fraudulently obtains or furnishes a temporary permit,
15 license, renewal, or record required by this chapter;

16 (2) wilfully violates a provision of this chapter or a
17 regulation adopted under this chapter.

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

21 Sec. 08.45.220. DEFINITIONS. In this chapter

22 (1) "department" means the Department of Commerce and
23 Economic Development;

24 (2) "naturopathy" and "naturopathic medicine" means a
25 system of healing the human body that includes diagnosis and treatment
26 through the use of natural agencies, forces, processes, and products
27 with emphasis on the response of the individual to the disease rather
28 than its treatment in isolation.

29 * Sec. 3. LICENSING OF PRACTITIONERS OF NATUROPATHY OR NATUROPATHIC

1 MEDICINE WITHOUT EXAMINATION. The commissioner of commerce and economic
2 development shall license all persons who, on the effective date of this
3 Act, meet the qualifications of AS 08.45.110(1) - (3) and (5) - (7) and who
4 apply for licensure under AS 08.45 not later than June 30, 1985.

5 * Sec. 4. This Act takes effect July 1, 1984.

Offered: 3/29/84
Referred: Finance

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 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 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) 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, 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) is practicing naturopathy in the state;

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. 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 January 1, 1985.
13

BY MARTIN, ABOOD
AND TISCHER

1 IN THE HOUSE

2

HOUSE BILL NO. 347

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

7

8

9

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

10

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

11

(24) regulation of naturopathy or naturopathic medicine

12

under AS 08.45.

13

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

14

CHAPTER 45. NATUROPATHS.

15

ARTICLE 1. REGULATION OF NATUROPATHY.

16

Sec. 08.45.010. DUTIES AND POWERS. The department shall

17

(1) evaluate the qualifications of applicants for licenses

18

under this chapter;

19

(2) conduct hearings and keep records necessary to carry

20

out the purposes of this chapter;

21

(3) license naturopaths and renew licenses in accordance

22

with AS 08.45.100 - 08.45.170; and

23

(4) provide for temporary permits to engage in the practice

24

of naturopathic medicine for persons who are apparently qualified that

25

are valid until certification of the results of the next examination

26

given under AS 08.45.120.

27

ARTICLE 2. LICENSING OF NATUROPATHS.

28

Sec. 08.45.100. LICENSING REQUIREMENT. A person may not engage

29

in the practice of naturopathy or naturopathic medicine unless that

1 person has a valid license or temporary permit under this chapter.

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

4 (1) hold a high school diploma or the equivalent;

5 (2) have completed two years of postsecondary education at
6 an accredited college of liberal arts or sciences;

7 (3) have graduated from a legally chartered school or
8 college of naturopathic medicine that has as a requirement for gradua-
9 tion successful completion of a course of resident instruction of at
10 least nine months actual attendance in each of four years and success-
11 ful completion of a course of instruction totaling 4,000 hours or
12 more; the course of instruction shall include:

13 (A) anatomy, physiology, histology, and embryology;

14 (B) microbiology;

15 (C) pathology;

16 (D) immunology;

17 (E) public health;

18 (F) physical, clinical, and x-ray diagnosis;

19 (G) first aid and emergency medicine;

20 (H) obstetrics and gynecology;

21 (I) orthopedics;

22 (J) minor surgery and proctology;

23 (K) otolaryngology;

24 (L) physiotherapy and manipulative techniques;

25 (M) dietetics and clinical nutrition;

26 (N) botanical medicine;

27 (O) naturopathic theory, therapeutics and clinical

28 practice;

29 (P) jurisprudence;

1 (4) successfully complete an examination given by the
2 department;

3 (5) not have a license to practice naturopathic medicine in
4 another state, province, or territory, that is suspended or revoked
5 for disciplinary reasons;

6 (6) be a United States citizen or lawfully admitted to
7 permanent residence in this country; and

8 (7) be of good moral character.

9 Sec. 08.45.120. EXAMINATION. (a) An examination for licensing
10 as a naturopath shall be held at a time and place and shall be con-
11 ducted as determined by the department. The examination shall be
12 limited to the subjects listed in AS 08.45.110(3), each of which shall
13 constitute a separate examination section. The examination shall be
14 objective and in writing, but may be supplemented by oral examina-
15 tions, and by demonstrations or other practical tests as the depart-
16 ment may require.

17 (b) To pass the examination an applicant shall receive an over-
18 all average of 75 percent and may not receive less than 70 percent in
19 more than two sections.

20 Sec. 08.45.130. ENDORSEMENT. The department may license a
21 person as a naturopath if the person is currently licensed as a natur-
22 opath in another state or in a province of Canada and

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

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

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

1 Sec. 08.45.140. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

2 The department may deny, suspend, or revoke the license of a person or
3 applicant who

4 (1) has obtained or attempted to obtain a license under
5 this chapter by fraud or deceit;

6 (2) wilfully violates a provision of this chapter or a
7 regulation adopted under this chapter;

8 (3) habitually overuses alcoholic beverages;

9 (4) unlawfully uses a controlled substance as defined in
10 AS 11.81.900(b)(6);

11 (5) impersonates another physician;

12 (6) practices under an assumed name; or

13 (7) is convicted of a crime involving moral turpitude,
14 including murder, sexual assault, robbery, kidnapping, incest, arson,
15 burglary, theft, and forgery.

16 Sec. 08.45.150. FEES. The following fees are imposed under this
17 chapter:

18 (1) application for examination \$ 25

19 (2) application for reexamination 10

20 (3) license issuance or biennial renewal 100

21 (4) issuance of temporary permit 25

22 Sec. 08.45.160. SCOPE OF NATUROPATHIC PRACTICE. (a) A naturo-
23 path in the course of the practice of naturopathic medicine may

24 (1) perform physical examinations, write prescriptions for
25 substances authorized in this chapter, and sign birth and death cer-
26 tificates;

27 (2) use systems of diagnosis for which the naturopathic
28 physician has been trained;

29 (3) treat patients by physiological, nutritional, psycho-

1 logical, mechanical, electrical, manual, hydrotherapeutic, phytothera-
2 peutic, mineral and organic substances and agencies, including acu-
3 puncture, that are effective in stimulating normal function of tissues
4 and organs sensitized by disease;

5 (4) draw blood for laboratory purposes, and use electrical
6 or other methods for the repair and care of superficial lacerations
7 and abrasions, benign superficial lesions, and the removal of foreign
8 bodies located in superficial structures; and

9 (5) practice natural childbirth in obstetrics, including
10 related minor surgical procedures.

11 (b) A naturopath may not

12 (1) perform surgery except as provided under (a)(5) of this
13 section;

14 (2) use controlled substances as defined in AS 11.81.-
15 900(b)(6);

16 (3) use radiation therapy; or

17 (4) use drugs except antiseptics, local anesthetics, min-
18 erals and extracts, compounds or concentrates obtained from plants or
19 animals.

20 Sec. 08.45.170. CONTINUING EDUCATION. (a) The department may
21 prescribe by regulation continuing education requirements for persons
22 licensed under this chapter.

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

26 (c) The department may exempt a licensee from the continuing
27 education requirement under (b) of this section upon an application of
28 the licensee setting out extenuating circumstances. A licensee may
29 not receive more than one exemption under this subsection in a five-

1 year period.

2 ARTICLE 3. GENERAL PROVISIONS.

3 Sec. 08.45.200. TITLES AND ABBREVIATIONS. (a) A person li-
4 censed under this chapter may use the following titles: "Naturopath",
5 "Doctor of Naturopathy" or its abbreviation, "N.D.". A person li-
6 censed under this chapter may not use a title in a manner that sug-
7 gests that the person practices a form of medicine or a healing art
8 other than naturopathy.

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

11 Sec. 08.45.205. VIOLATIONS. (a) A person is guilty of a
12 class B misdemeanor if the person

13 (1) fraudulently obtains or furnishes a temporary permit,
14 license, renewal, or record required by this chapter;

15 (2) wilfully violates a provision of this chapter or a
16 regulation adopted under this chapter.

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

20 Sec. 08.45.220. DEFINITIONS. In this chapter

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

23 (2) "naturopathy" and "naturopathic medicine" means a
24 system of healing the human body that includes diagnosis and treatment
25 through the use of natural agencies, forces, processes, and products
26 with emphasis on the response of the individual to the disease rather
27 than its treatment in isolation.

28 * Sec. 3. LICENSING OF PRACTITIONERS OF NATUROPATHY OR NATUROPATHIC
29 MEDICINE WITHOUT EXAMINATION. The commissioner of commerce and economic

1 development shall license all persons who, on the effective date of this
2 Act, meet the qualifications of AS 08.45.110(1) - (3) and (5) - (7) and who
3 apply for licensure under AS 08.45 not later than June 30, 1984.

4 * Sec. 4. This Act takes effect July 1, 1983.

STATE OF ALASKA
FISCAL NOTE

Revision Date 5/6, 1983

I. REQUEST

Bill/Resolution No: CSHB 360(Jud)
 Title: Games of Chance and Skill
 Sponsor: Flood
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: Rev. Operations
 BRU, Program of Subprogram(s) Affected: Public Svcs. & Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		29.5	31.5	34.0	36.5	39.5
200 TRAVEL	-	4.5	4.8	5.0	5.5	6.0
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES	-	4.5	5.0	5.5	6.0	6.5
500 EQUIPMENT	-	-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING	-	38.5	41.3	44.5	48.0	52.0
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	38.5	41.3	44.5	48.0	52.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-
-	-	-	-	-	-	-

POSITIONS:

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

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

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

Prepared By: Marcy Rehfeld
 Division: Office of the Commissioner

Phone: 465-2300
 Date: 5/6/83

Approved by Commissioner: Robert D. Heath
 Department: Revenue

Date: 5/6/83

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:

To insure equitable compliance with the law, a full-time investigator will be needed and audit and investigation will require a minimum of eight field trips per year.

Supplies and commodities include new forms, mail outs and miscellaneous clerical supplies. All instructions and forms will require immediate revision and reprint.

Offered: 5/6/83
Referred: Finance

Original sponsor: Flood

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 360 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to permits issued for games of
7 chance and contests of skill."

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

9 * Section 1. AS 05.15.030 is amended by adding a new subsection to
10 read:

11 (b) In addition to the requirements of (a) of this section, an
12 applicant for a permit to conduct an activity under AS 05.15.100(b)
13 shall notify the law enforcement agency having jurisdiction over the
14 location of the proposed activity. The commissioner of revenue may
15 not issue a permit for the proposed activity unless the application is
16 accompanied by the written approval of the law enforcement agency
17 having jurisdiction.

18 * Sec. 2. AS 05.15.100 is amended by adding a new subsection to read:

19 (b) The commissioner of revenue also may issue a permit giving a
20 municipality or qualified organization the privilege of conducting an
21 activity involving the use of playing cards, dice, and numbers wheels.
22 A municipality or qualified organization may apply for a permit for
23 only one activity a year under this subsection. For the purpose of
24 this subsection, "one activity" means a single event lasting no more
25 than three consecutive days.

26 * Sec. 3. AS 05.15.140 is amended by adding new subsections to read:

27 (b) In an application for a permit, a municipality or qualified
28 organization shall disclose the name and address of each person re-
29 sponsible for the operation of the activity and whether any person

1 named

2 (1) has ever been convicted of a felony or gambling misde-
3 meanor; or

4 (2) has a prohibited financial interest, as defined in
5 regulations adopted by the commissioner, in the operation of the
6 activity.

7 (c) The commissioner of revenue may not issue a permit for an
8 activity operated by a person who has been convicted of a felony or a
9 gambling misdemeanor.

10 (d) Application forms for permits shall contain a notice that a
11 false statement in the application is punishable by law.

12 * Sec. 4. AS 05.15.160 is repealed and reenacted to read:

13 Sec. 05.15.160. AUTHORIZED EXPENSES. No item of expense may be
14 incurred or paid in connection with the operation of an activity under
15 a permit issued under this chapter except for bona fide expenses
16 reasonably necessary for

17 (1) goods, wares, and merchandise necessary for the opera-
18 tion of the activity;

19 (2) personal services rendered that are not directly or
20 indirectly involved with the operation of the activity; or

21 (3) personal services involved with the operation of the
22 activity provided the services are performed by an employee of the
23 municipality, qualified organization, or a consultant hired by the
24 municipality or qualified organization conducting the activity and the
25 compensation is not related to the receipts from the activity.

26 * Sec. 5. AS 05.15.180 is amended to read:

27 Sec. 05.15.180. LIMITATIONS ON AUTHORIZED ACTIVITY. (a) Except
28 as provided in AS 05.15.100(b), this [THIS] chapter does not authorize
29 the use of playing cards, dice, roulette wheels, coin-operated

1 instruments or machines, or other objects or instruments used,
2 designed, or intended primarily for gaming or gambling or any other
3 method or implement not expressly authorized by the commissioner.

4 (b) With the exception of raffles, lotteries, [AND] rairi clas-
5 sics, and other activities authorized under AS 05.15.100(b), no activ-
6 ity may be licensed under this chapter unless it existed in the state
7 in substantially the same form and was conducted in substantially the
8 same manner before January 1, 1959.

9 * Sec. 6. AS 05.15.180 is amended by adding a new subsection to read:

10 (c) The operation of activities licensed under AS 05.15.100(b)
11 is limited as follows:

12 (1) no cash prizes may be awarded;

13 (2) only money substitutes such as chips or scrip may be
14 used by a player in the activity;

15 (3) the money substitutes may be exchanged only for prizes
16 other than money and may not be otherwise exchanged or sold; and

17 (4) additional limitations that may be established by the
18 commissioner of revenue under adopted regulations.

19 * Sec. 7. AS 05.15.200 is repealed and reenacted to read:

20 Sec. 05.15.200. PENALTIES. (a) A person who knowingly violates
21 or aids or solicits a person to violate this chapter is guilty of a
22 violation for the first offense and a class B misdemeanor for the
23 second and each subsequent offense.

24 (b) A person who, with the intent to mislead a public servant in
25 the performance of the public servant's duty, submits a false state-
26 ment in an application for a permit under this chapter, is guilty of
27 unsworn falsification.

28 * Sec. 8. AS 05.15.210 is amended by adding a new paragraph to read:

29 (23) "numbers wheel" means any electronic, mechanical, or

1 other device with numbers or other figures that are selected randomly
2 and used in a game of chance in which the outcome is determined by the
3 number or figure selected by the device; not including slot machines
4 or other devices that operate by insertion of a coin or other object
5 that may entitle the person operating the machine to receive a prize
6 by strict dependence on the element of chance.

7 * Sec. 9. AS 11.66.280(2) is amended by adding a new subparagraph to
8 read:

9 (C) an activity authorized by the commissioner of
10 revenue under AS 05.15.010 - 05.15.210;

Offered: 5/6/83
Referred: Finance

Original sponsor: Flood

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 360 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to permits issued for games of
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4 or other devices that operate by insertion of a coin or other object
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9 (C) an activity authorized by the commissioner of
10 revenue under AS 05.15.010 - 05.15.210;

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: HB 360
 Title: "Act relating to permits issued..."
 Sponsor: Rep. Flood
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Crime & ID
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

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 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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 No fiscal impact anticipated

Prepared By: Paul A. Conger Phone: 465-4338
 Division: Administrative Services Date: 5-4-83
 Approved by Commissioner: [Signature] Date: 5/4/83
 Department: Public Safety

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)

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

HB 360

I. REQUEST

Bill/Resolution No: HB 360
Title: Act relating to permits issued for
games of chance and contests of skill
Sponsor: Judiciary & Finance
Requestor: Representative Flood

II. FISCAL DETAIL

Agency Affected: Department of Revenue
Program Category Affected: Rev. Operations
BRU, Program of Subprogram(s) Affected:
Public Svcs. & Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		43.0	46.0	49.0	56.0	60.0
200 TRAVEL		7.5	8.0	8.5	9.0	9.5
300 CONTRACTUAL	-	-	-	-	-	-
400 COMMODITIES		4.5	5.0	5.5	6.0	6.5
500 EQUIPMENT		-	-	-	-	-
600 LANDS & STRUCTURES	-	-	-	-	-	-
700 GRANTS, CLAIMS, ETC.	-	-	-	-	-	-
TOTAL OPERATING		55.0	59.0	63.0	71.0	76.0

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

GENERAL FUND		55.0	59.0	63.0	71.0	76.0
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-

POSITIONS:

FULL-TIME		1.5	1.5	1.5	1.5	1.5
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-
		1.5	1.5	1.5	1.5	1.5

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

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

Prepared By: Ralph Kimlinger, Acting Director
Division: Public Services Division

Phone: 465-2392
Date: 4-22-83

Approved by Commissioner: *Ralph Kimlinger*
Department: Revenue

Date: 4/26/83

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)

ANALYSIS

HB 360

1. Passage of HB 360 will require a full time, seasonal, Tax Examiner to handle a minimum of 150 applications. Each application and attendant Financial Statement requires 1.5 to 2.0 hours of processing and in addition clerical time of approximately one hour per application is required.

To insure equitable compliance with the law, a full time investigator will be needed and audit and investigation will require a minimum of eight field trips per year.

Supplies and commodities include new forms, mail outs and miscellaneous clerical supplies. All instruction and forms will require immediate revision and reprint.

New office equipment will be required for both requested positions.



PHONE 277-8615 ☉ P.O. BOX 773 ☉ ANCHORAGE, ALASKA 99510
☉ LOCATION: 737 WEST 5TH AVENUE

A NON-PROFIT CIVIC ORGANIZATION

April 13, 1983

The Honorable Joe Flood
Pouch V
Juneau, AK 99811

Ref: Monte Carlo Nite Activities by
non-profit organizations under
AS 05.15

Dear Representative Flood:

The Attorney General recently issued an opinion that Monte Carlo -
Casino Nite fund raising activities were not authorized for a permit
under AS 05.15 (copy enclosed).

Since Monday, April 11, I have met with Ben Harding of the Governor's
office, Diane Colvin, of the Attorney General's office, and Ralph
Kimlinger, of the Department of Revenue. It was mutually agreed that
any changes of Alaska Law should reflect only the type of fund raising
activities currently conducted now by non-profit organizations
throughout the state.

The enclosed bill would accomplish the above and also require that:

1. Only organizations defined under AS 05.15 could conduct Monte Carlo
type activities.
2. Monte Carlo type activities would be limited to one (1) permit
night per year.
3. The Monte Carlo permit has to be approved by the responsible law
enforcement agency.

Monte Carlo Nite for Fur Rendezvous over the past 40 or so years has
grown to where it provides approximately \$50,000.00 in revenue for Rony
and it funds many of our non-income generating events.

The Fur Rendezvous "Monte Carlo Nite" uses over 400 volunteers to host the event for over 6,000 people who participate in the one night of fun and games. The size of our event is limited only to the size of a facility available.

We would like you to review the proposed bill and relay your comments to us.

Time is of the essence and we would also like you to consider being a sponsor of the bill to assure passage this year.

Sincerely,

Wally

Wally Hopkins
Director & Governmental Affairs Liaison

Enclosures

TOM: F.V.I.
PLEASE CALL
IF YOU HAVE
?'S ON THIS
DRAFT. THE
FINAL IS FORTH-
COMING.

April 15, 1983

Honorable Barbara Lacher
Representative
Alaska State Legislature
Pouch V
Juneau, AK 99811

Attn: Eve Fox
Administrative Assistant

Re: Monte Carlo nights bill

Dear Ms. Fox:

You asked that we provide you with a summary of the bill amending AS 05.15, relating to issuance ^{of} permits for games of chance. The bill was drafted in response to our opinion of March 3, 1983, which found that the Department of Revenue is not authorized to issue a permit for Monte Carlo/Casino Night activities. A copy of that opinion is attached.

The bill (Sec. 2) amends AS 05.15.100 to authorize the department of revenue to issue a permit to a municipality or a qualified organization (a qualified organization is one that has been in existence for five years and meets the other requirements set forth in AS 05.15.210(15)) to conduct activities involving playing cards, dice and numbers wheels. Only one activity may be conducted in a year and a separate permit must be obtained for each event.

DM
X-4894
4-16-83

Honorable Barbara Lacher
Representative
Alaska State Legislature

April 15, 1983
Page 2

An applicant for a permit is further required to obtain approval from the nearest law enforcement agency. (Sec. 1). This is in addition to the requirement in current law under AS 05.15.030 to notify the nearest unit of local government at the time of application for a permit.

The bill (Sec. 3) also makes certain technical amendments to clarify the meaning of authorized activities.

We hope this information is useful to you. If you wish additional assistance, please contact us.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By:
Diane T. Colvin
Assistant Attorney General

DTC:eja

MEMORANDUM

State of Alaska

TO: Robert D. Heath
Commissioner
Department of Revenue

DATE: March 3, 1983

FILE NO: 366-439-83

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Eligibility of Monte
Carlo/Casino Night
activities for a
permit under AS
05.15

By: 
Diane T. Colvin
Assistant Attorney General

You have asked us two questions relating to the issuance of permits under AS 05.15, Games of Chance and Contests of Skill:

1. May the Department of Revenue issue a permit under AS 05.15.100 for Monte Carlo/Casino Night activities?

2. May the department issue a permit under AS 05.-15.180(b) if the Monte Carlo/Casino Night activities were conducted in the state prior to January 1, 1959?

You also asked if the Alcoholic Beverage Control Board may exclude the area used for Monte Carlo/Casino Night activities from a caterer's permit issued under AS 04.11.230. We answer the first two questions in the negative, finding no statutory authority for the department to issue permits for Monte Carlo activities. In response to the third question, we believe that the Alcoholic Beverage Control Board does have the authority to exclude an area in which Monte Carlo activities are conducted from a caterer's permit.

Issuance of Permits for Monte Carlo/Casino Night Activities

Under AS 05.15.100 the Commissioner of the Department of Revenue may issue a permit to a qualified organization for "the privilege of conducting bingo, raffles and lotteries, ice classics, rain classics, dog mushers' contests, fish derbies and contests of skill." You ask whether a permit may be issued under this statute for Monte Carlo/Casino Night activities.

In the memorandum accompanying your request, you describe a range of activities that might be conducted in connection with a Monte Carlo/Casino Night. The activities extend from games in which no money or prizes are involved to those in

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ALASKA DEPARTMENT OF REVENUE

MAR 4 1983

OFFICE OF THE COMMISSIONER

which both money and prizes are involved. All of the games described include the use of cards, dice, roulette wheels or coin-operated devices. Without discussing each of the situations you describe, we will presume, for purposes of this memorandum, that if the elements of consideration, chance, and prize are present, in any form or to any degree, the activity constitutes gambling and if it is to be conducted at all within the state, a permit must be obtained under AS 05.15. State v. Pinball Machs., 404 P.2d 923 (Alaska 1965); Morrow v. State, 511 P.2d 127 (Alaska 1973).

Thus, the question is whether a permit can be issued for Monte Carlo activities under AS 05.15. AS 05.15.100 authorizes permits for 7 specific activities: bingo, raffles and lotteries, ice classics, rain classics, dog mushers' contests, fish derbies and contests of skill. Each of these activities is defined by AS 05.15.210. None of the definitions cover the activities described in your request and accompanying memorandum. Therefore, we conclude that the department may not issue a permit under AS 05.15.100 for Monte Carlo activities.

The plain language of AS 05.15.100 and 05.15.210 leads to this conclusion. Additional support is found in AS 05.15.180(a). This subsection provides:

This chapter does not authorize the use of playing cards, dice, roulette wheels, coin-operated instruments or machines, or other objects or instruments used, designed, or intended primarily for gaming or gambling. . . (emphasis added)

These types of devices are used in Monte Carlo activities as you describe them. Under section 180(a) the commissioner does not have the authority to issue a permit authorizing their use.

Thus, we can only conclude that a permit may not be issued for Monte Carlo activities under AS 05.15. You also ask whether an exemption might be provided by AS 05.15.180(b), which provides as follows:

With the exception of raffles, lotteries and rain classics, no activity may be licensed under this chapter unless it existed in the state in substantially the same form and was conducted in substantially the same manner before January 1, 1959.

To qualify under this subsection, a Monte Carlo activity would have to meet the definition of raffle, lottery or rain

classic or meet the prior existence requirement in the main clause. It is clear from the definitions of raffle and lottery and rain classic in AS 05.15.210(16) and (20) that a Monte Carlo activity is not a raffle, lottery or rain classic. Thus, in order to qualify, a Monte Carlo night would have had to have been in existence prior to 1959 and it would have had to have been conducted in substantially the same manner. Thus, upon proof that an activity did exist in the state prior to 1959 and was conducted in a nearly identical manner before that time, a permit could be issued by the department. However, in regard to Monte Carlo activities, AS 05.15.180(b) must be interpreted in conjunction with AS 05.15.180(a), set forth above. This subsection places a flat prohibition on activities which include the use of "playing cards, dice, roulette wheels, coin-operated instruments or machines, or other objects or instruments used, designed or intended primarily for gaming or gambling." According to the descriptions you provided, these devices are commonly used in Monte Carlo activities. The commissioner is not authorized to issue a permit for activities in which these devices are used. Subsection (b) does not provide an exception to this prohibition, but rather provides an additional qualification. The commissioner may issue a permit for an activity other than raffles, lotteries, and rain classics if it meets the 1959 requirement of AS 05.15.180(b) and if it does not include the use of playing cards, dice, roulette wheels, and other devices prohibited by AS 05.15.180(a). A statute "should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant. . . ." 2 A.C. Sands, Statutes and Statutory Construction § 46.06 (4th ed. 1973). See Libby v. City of Dillingham, 612 P.2d 33, 39 (Alaska 1980). If section 180(b) were interpreted to allow activities involving roulette wheels and similar devices on the basis that they existed before 1959, subsection (a) would be rendered superfluous and irrelevant. This does not appear to be the intent of the legislature.

Therefore, we conclude that AS 05.15.180(b) does not provide an exemption for Monte Carlo activities even if they existed and were conducted in substantially the same manner prior to 1959.

Exclusion of Area in which Monte Carlo Activities are Conducted from Caterer's Permit issued by Alcoholic Beverage Control Board

Under AS 04.11.230, the Alcoholic Beverage Control Board is authorized to issue a caterer's permit which authorizes the holder of the permit to sell or dispense alcoholic beverages at events such as conventions and sporting events. In your request, you state that the board in the past has issued these

permits to organizations conducting Monte Carlo activities, but has excluded the area in which the activities are conducted from the caterer's permit. You ask whether the Board is authorized to limit the permit in this manner.

We believe the Board has the authority to limit a caterer's permit in the manner described. First, AS 04.11.230 states that the permit "may only be issued for designated premises", granting the Board the authority to specify the premises where beverages may be served under a permit. Second, AS 04.-06.100(b)(3) authorizes the Board to adopt regulations on the terms and conditions of permits issued. The Board has adopted 15 AAC 104.675, requiring the applicant for a permit to submit with an application a description of the proposed premises and a drawing designating which areas are for storage, service and consumption. The Board has the authority to approve or disapprove the areas submitted. Finally, AS 04.06.090(c) provides as follows:

When considering an application, the board may reduce the area to be designated the licensed premises below the area applied for when, in the judgment of the board, a reduction in area is necessary to insure control over the sale and consumption of alcoholic beverages on the premises or is otherwise in the best interests of the public.

Technically, this applies only to licensed premises, but it is reasonable to assume that the Board should have similar authority in regard to areas in which liquor is served under a caterer's permit.

It should also be noted that there is no prohibition against minors engaging in activities for which permits are issued under AS 05.15. Thus, it is reasonable for the board to prevent liquor from being served in areas in which these activities are conducted and to carefully scrutinize applications for caterer's permits when it is known that minors may be participating in the games of chance allowed (or disallowed) under AS 05.-15.

Thus, we conclude that the Alcoholic Beverage Control Board is authorized to exclude and is acting reasonably when it excludes areas in which Monte Carlo activities are conducted from a caterer's permit.

We hope this information is of assistance to you. We understand that the conclusions reached here may have a negative

Robert D. Heath, Commissioner
Department of Revenue

March 3, 1983
Page 5

effect on certain organizations that have conducted Monte Carlo activities in the past. These groups should be advised to seek legislative change if they wish to continue sponsoring these activities.

If you wish further information, please contact us.

DTC:eja

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 20, 1983

SUBJECT: Permits for games of chance
(CSHB 360 (Judiciary))

TO: Representative Albert P. Adams
Chairman, House Finance Committee

FROM: Keith B. Levy *KBL*
Legislative Counsel

The following is a sectional analysis of CSHB 360 (Judiciary) and a comparison of the committee substitute with the original bill. Sections 1, 2, and 3 of the original bill are substantially the same as sections 1, 2, and 5, respectively, of the committee substitute. The original bill contains no provisions comparable to sections 3, 4, and 6 - 8 of the committee substitute.

Section 1 of CSHB 360 (Judiciary) amends AS 05.15.030 to provide that the commissioner of revenue may not issue a permit for an activity involving playing cards, dice, or numbers wheels without the prior written approval of the law enforcement agency having jurisdiction over the location of the proposed activity. This section is substantially the same as sec. 1 of the original bill except that it requires the approval of the law enforcement agency having jurisdiction over the location of the proposed activity rather than the agency nearest the location.

Section 2 of CSHB 360 (Judiciary) authorizes the commissioner of revenue to issue permits for activities involving the use of playing cards, dice, and numbers wheels (AS 05.15.100(b)). These activities are not permitted under the current law. It limits qualified organizations to one activity a year under this section and defines "one activity" as a single event lasting no more than three consecutive days. Sec. 2 of the original bill is substantially the same as sec. 2 of the committee substitute except that the original bill does not define "one activity".

Section 3 of the committee substitute provides new disclosure requirements for organizations seeking any kind of gambling permit under AS 05.15. The bill requires these organizations to disclose the name and address of each person responsible for the operation of an activity under the chapter, whether these people have ever been convicted of any felony or a gambling misdemeanor, and whether these people have a prohibited financial interest, as defined by the commissioner of revenue, in the operation of the activity (AS 05.15.140(b)). The section prohibits the commissioner of revenue from issuing a permit for an activity operated by a person who has been convicted of any felony or a gambling misdemeanor (AS 05.15.140(c)). The section also requires applications for a permit under the chapter to contain a notice that a false statement on the application is punishable by law (AS 05.15.140(d)). The original bill contains no provision comparable to sec. 3 of the committee substitute.

Section 4 of the committee substitute repeals and reenacts AS 05.15.160 to amend the authorized expenses that are permitted in connection with the operation of all activities under AS 05.15. It limits authorized expenses to bona fide expenses reasonably necessary for goods, wares, and merchandise necessary for the activity, personal services not involved with the operation of the activity, and personal services that are involved with the operation of the activity if performed by an employee or a consultant of the organization running the activity. The original bill contains no provision comparable to sec. 4 of the committee substitute.

Section 5 of the committee substitute amends AS 05.15.180 to provide that activities permitted under AS 05.15.100(b) are not subject to the general prohibition against these activities provided in AS 05.15.180(a). It also provides that these activities are exempt from the general provision that such activities are only authorized if they existed in the same form and were conducted in substantially the same manner before January 1, 1959 (AS 05.15.180(b)). Sec. 5 of the committee substitute is substantially the same as sec. 3 of the original bill.

Section 6 of the committee substitute adds further limitations on activities conducted under AS 05.15.100(b). In these activities no cash prizes may be awarded, only money substitutes may be used by players in the activity, the

Representative Albert P. Adams
Page 3
May 20, 1983

money substitutes may only be exchanged for prizes other than money, and the commissioner of revenue may adopt regulations establishing other limitations (AS 05.15.180(c)). The original bill contains no provision comparable to sec. 6 of the committee substitute.

Section 7 of the committee substitute repeals and reenacts AS 05.15.200 which provides penalties for the violation of AS 05.15. Under the new section, a person who knowingly violates the chapter is guilty of a violation for the first offense and a class B misdemeanor for each subsequent offense (AS 05.15.200(a)). A person who intentionally submits a false statement on an application for a permit under the chapter is guilty of unsworn falsification (AS 05.15.200(b)). The original bill has no provision comparable to sec. 7 of the committee substitute.

Section 8 of the committee substitute amends AS 05.15.210 to provide a definition of "numbers wheel". A numbers wheel is any electronic, mechanical, or other device with numbers or other figures that are selected randomly and used in a game of chance in which the outcome is determined by the number or figure selected by the device, but not including slot machines or other devices that operate by insertion of a coin or other object that may entitle the person operating the machine to receive a prize by strict dependence on the element of chance. The original bill contains no provision comparable to section 8 of the committee substitute.

Section 9 of the committee substitute amends AS 11.66.280(2) to provide that activities authorized under AS 05.15.010 - 05.15.210 are not considered gambling for purposes of the criminal code. The original bill contains no provision comparable to sec. 9 of the committee substitute.

KBL:ljb
21/003

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF REVENUE

ELEVENTH FLOOR
STATE OFFICE BUILDING
POUCH SA
JUNEAU, ALASKA 99811

March 18, 1983

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MAR 31 1983

Re: Authorized Games of Chance and Contests of Skill

Dear Permittee:

Anchorage-Police Dept.

The Department of Revenue has never authorized Monte Carlo or Casino Night activities under permits issued for Games of Chance and Contests of Skill (Alaska Statute-05-15).

We were recently asked if a "grandfather right" existed if a qualified organization defined in the Statute had conducted these activities prior to January 1, 1959 (Alaska Statute 05:15.180(b)). We requested an opinion of the Attorney General on whether Monte Carlo or Casino Night activities could be authorized on a permit issued to a municipality or qualified organization under this Statute.

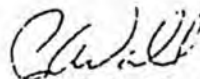
In the same request, we asked the Attorney General to review the action taken by the Alcoholic Beverage Control Board in excluding any area established for a Monte Carlo or Casino Night activity from authorized caterer's permit premises.

The Attorney General has determined that Monte Carlo and Casino Night activities cannot be authorized under Alaska Statute 05.15. These activities, if conducted, are subject to the provisions of Alaska Statute 11.66.200 - 280, dealing with illegal gambling.

The Attorney General has also ruled that the Alcoholic Beverage Control Board is correct in not licensing the area established for Monte Carlo or Casino Night activity as premises for distribution of alcoholic beverages under a caterers permit.

I have attached a copy of the opinion from the Attorney General and would suggest that, if your organization has sponsored Monte Carlo or Casino Night activities, and wish to continue to do so, you first obtain a change in the law by the Alaska Legislature. A copy of the Attorney General's opinion is also being sent to municipal law enforcement agencies throughout the state and to the Alaska Department of Public Safety.

Sincerely,



Phil Wall, Director
Public Services Division

Attachment

cc: Alaska Department of Public Safety
All Municipal Law Enforcement Agencies

MEMORANDUM

State of Alaska

TO: Robert D. Heath
Commissioner
Department of Revenue

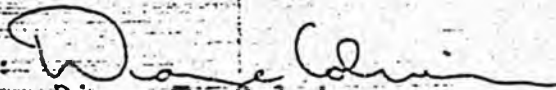
DATE: March 3, 1983

FILE NO: 366-439-83

TELEPHONE NO: 465-3600

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: Eligibility of Monte Carlo/Casino Night activities for a permit under AS 05.15

By: 
Diane T. Colvin
Assistant Attorney General

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Robert D. Heath, Commissioner
Department of Revenue

March 3, 1983
Page 4

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Technically, this applies only to licensed premises, but it is reasonable to assume that the Board should have similar authority in regard to areas in which liquor is served under a caterer's permit.

It should also be noted that there is no prohibition against minors engaging in activities for which permits are issued under AS 05.15. Thus, it is reasonable for the board to prevent liquor from being served in areas in which these activities are conducted and to carefully scrutinize applications for caterer's permits when it is known that minors may be participating in the games of chance allowed (or disallowed) under AS 05.15.

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Robert D. Heath, Commissioner
Department of Revenue

March 3, 1983
Page 5

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If you wish further information, please contact us.

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