

D R A F T

SUMMARY

Modifies definition of “acupuncture” to include insertion of solid metal needle into body to promote health or treat disorder.

Limits ability of certain other health care practitioners to practice other therapy that involves insertion of solid metal needle into body.

Directs Oregon Medical Board to establish fee of at least \$50 for license to practice acupuncture.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to acupuncture; creating new provisions; amending ORS 677.757, 677.759, 677.761 and 677.770; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

DEFINITION OF “ACUPUNCTURE”

SECTION 1. ORS 677.757 is amended to read:

677.757. As used in ORS 677.757 to 677.770:

(1)(a) “Acupuncture” means [*an Oriental*] **a** health care practice used to promote health and to treat neurological, organic or functional disorders by the stimulation of [*specific*] points **in and** on [*the surface of*] the body by the insertion of **solid metal** needles. [*“Acupuncture” includes the treatment method of moxibustion, as well as the use of electrical, thermal, mechanical or magnetic devices, with or without needles, to stimulate acupuncture points and acupuncture meridians and to induce acupuncture anesthesia or analgesia.*]

[(*b*) *The practice of acupuncture also includes the following modalities as*

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 *authorized by the Oregon Medical Board:]*

2 *[(A) Traditional and modern techniques of diagnosis and evaluation;]*

3 *[(B) Oriental massage, exercise and related therapeutic methods; and]*

4 *[(C) The use of Oriental pharmacopoeia, vitamins, minerals and dietary*
5 *advice.]*

6 *[(2) “Oriental pharmacopoeia” means a list of herbs described in traditional*
7 *Oriental texts commonly used in accredited schools of Oriental medicine if the*
8 *texts are approved by the Oregon Medical Board.]*

9 **(b) “Acupuncture” includes the following modalities, as authorized**
10 **by the Oregon Medical Board:**

11 **(A) Asian bodywork and massage, exercise therapy and related**
12 **therapeutic methods and manual therapy.**

13 **(B) The use of herbal pharmacopoeia, nutritional supplements and**
14 **dietary advice.**

15 **(C) The use of electrical, thermal, mechanical or magnetic devices,**
16 **without needles, on the body.**

17 **(D) The treatment method of moxibustion.**

18 **(2) “Herbal pharmacopoeia” means nonprescription herbal medicine**
19 **described in texts used in accredited schools of Chinese or Asian**
20 **medicine.**

21 **SECTION 2.** ORS 677.759 is amended to read:

22 677.759. (1) *[No person shall]* **A person may not** practice acupuncture,
23 **regardless of the terminology used to describe the person’s practices,**
24 without first obtaining a license to practice medicine and surgery or a li-
25 cense to practice acupuncture from the Oregon Medical Board *[except as*
26 *provided in subsection (2) of this section].*

27 (2) Notwithstanding subsection (1) of this section, the board may issue a
28 license to practice acupuncture to an individual licensed to practice
29 acupuncture in another state or territory of the United States if the indi-
30 vidual is licensed to practice medicine and surgery or acupuncture in the
31 other state or territory. The board *[shall]* **may** not issue such a license un-

1 less the requirements of the other state or territory are similar to the re-
2 quirements of this state.

3 (3) The board shall examine the qualifications of an applicant and deter-
4 mine who shall be authorized to practice acupuncture.

5 (4) Using the term “acupuncture,” “acupuncturist,” “Oriental medicine”
6 or any other term, title, name or abbreviation indicating that an individual
7 is qualified or licensed to practice acupuncture is prima facie evidence of
8 practicing acupuncture.

9 (5) In addition to the powers and duties of the board described in this
10 chapter, the board shall adopt rules consistent with ORS 677.757 to 677.770
11 governing the issuance of a license to practice acupuncture.

12 **SECTION 3.** ORS 677.761 is amended to read:

13 677.761. Nothing in ORS 677.757 to 677.770 is intended to:

14 (1) Prevent, limit or interfere with an individual licensed or certified by
15 the Oregon Medical Board from practicing health care other than
16 acupuncture within the scope of the license or certification of the individual.

17 (2) Limit any other licensed or certified health care practitioner from
18 practicing acupressure [*or other therapy*] within the scope of the license or
19 certification of the individual.

20 [*(3) Limit the activities of any person who engages in the business of pro-*
21 *viding Oriental massage, exercise and related therapeutic methods or who*
22 *provides substances listed in an Oriental pharmacopoeia, or vitamins or min-*
23 *erals or dietary advice, so long as the activities of the person are not otherwise*
24 *prohibited by law.*]

25 **(3) Limit the activities of a person who engages in the following**
26 **businesses, if the activities of the person are not otherwise prohibited**
27 **by law:**

28 **(a) Providing Asian bodywork or massage, exercise therapy and re-**
29 **lated therapeutic methods or manual therapy.**

30 **(b) Providing substances listed in an herbal pharmacopoeia, nutri-**
31 **tional supplements or dietary advice.**

1 (c) Using electrical, thermal, mechanical or magnetic devices,
2 without needles, on the body.

3 (d) Using the treatment method of moxibustion.

4 (4) Limit the ability of practitioners from outside Oregon to demonstrate
5 the practice of acupuncture as part of a recognized and limited duration ed-
6 ucational program, lecture or event within this state under rules adopted by
7 the board.

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9 **FEES**

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11 **SECTION 4.** ORS 677.770 is amended to read:

12 677.770. (1) Every physician or surgeon or other person licensed as an
13 acupuncturist shall pay to the Oregon Medical Board nonrefundable fees as
14 determined by the board pursuant to ORS 677.265.

15 (2) The fee for a license to practice acupuncture must be at least
16 \$50.

17 **SECTION 5.** (1) The amendments to ORS 677.770 by section 4 of this
18 2013 Act become operative January 1, 2014.

19 (2) The Oregon Medical Board may take any action before the op-
20 erative date specified in subsection (1) of this section to enable the
21 board to exercise, on and after the operative date specified in sub-
22 section (1) of this section, all the duties, functions and powers con-
23 ferred on the board by the amendments to ORS 677.770 by section 4 of
24 this 2013 Act.

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26 **CAPTIONS**

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28 **SECTION 6.** The unit captions used in this 2013 Act are provided
29 only for the convenience of the reader and do not become part of the
30 statutory law of this state or express any legislative intent in the
31 enactment of this 2013 Act.

EMERGENCY CLAUSE

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SECTION 7. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.
