

ARKANSAS SENATE
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of Senate Bill No. 402

"AN ACT TO PROHIBIT ACUPUNCTURISTS FROM ADMINISTERING, DISPENSING, OR
PRESCRIBING LEGEND DRUGS."

Amendment No. 1 to Senate Bill No. 402.

Amend Senate Bill No. 402 as originally introduced:

Delete everything after the enacting cause and substitute the following:

"SECTION 1. Arkansas Code § 17-102-104 is amended to read as follows:
17-102-104. False advertising.

(a) ~~No~~ A person defined in § ~~17-102-104(4)~~ 17-102-102(4) may shall not
solicit for patronage or advertise for patronage by any means whatever which
is misleading, fraudulent, deceptive, or dishonest.

(b) It constitutes false advertising under this section for an
acupuncturist as defined in § 17-102-102(2) to refer to himself or herself
other than as a licensed acupuncturist, certified acupuncturist, acupuncture
practitioner, or Oriental acupuncture practitioner.

(c) A person licensed or certified under this chapter shall not
identify himself or herself as a doctor or physician.

(d) A violation of this section is grounds for disciplinary action
under § 17-102-309(a)(4).

SECTION 2. Arkansas Code § 17-102-201(a), concerning the creation of
the Arkansas State Board of Acupuncture and Related Techniques, is amended to
add an additional subdivision to read as follows:

(5)(A) On a biennial basis beginning in October 2010, the board
shall file a written report with the House and Senate Interim Committees on
Public Health, Welfare and Labor.

(B) The report shall contain a certified copy of the
minutes of all board meetings as required by § 17-102-205 for the calendar
years 2009 through October 2010 and thereafter covering the period of time
since the last report.

(C) The report shall contain a comprehensive assessment of
the board's functionality including without limitation staff and office site
adequacy and any other information as may be requested by the committees
sufficient for the committees to make a recommendation to the Governor
regarding whether the board should be continued or whether the board should
be disbanded and abolished in accordance with a proclamation issued by the
Governor.



SECTION 3. Arkansas Code § 17-102-206(b), concerning the duties and power of the Arkansas State Board of Acupuncture and Related Techniques, is amended to read as follows:

(b) The board is authorized to:

(1) Make suitable bylaws for carrying out its duties under the provisions of this chapter;

(2) Sue and be sued;

(3) Have an official seal which shall bear the words "Arkansas State Board of Acupuncture and Related Techniques";

(4) Provide a secretary's certificate. The certificate of the Secretary of the Arkansas State Board of Acupuncture and Related Techniques under seal shall be accepted in the courts of the state as the best evidence as to the minutes of the board and shall likewise be accepted in the courts of the state as the best evidence as to the licensure or nonlicensure of any person under the requirements of this chapter;

(5)(A) Adopt, publish, and, from time to time, revise such rules and regulations not inconsistent with the law as may be necessary to enable it to carry into effect the provisions of this chapter.

(B) All rules of the Arkansas State Board of Acupuncture and Related Techniques, including Title I, Title II, Title III, Title IV, Title V, and Title VI are repealed.

(C) All proposed rules after the effective date of this act shall be approved in writing by the Arkansas State Medical Board under Arkansas Administrative Procedure Act, § 25-15-201 et seq., but before submission to the Administrative Rules and Regulations Committee of the Arkansas Legislative Council;

(6) Keep a record of all its proceedings, receipts, and disbursements;

(7) Adopt standards for applicants wishing to take the licensing examination and conduct examinations or contract with persons or entities to conduct examinations of applicants;

(8) Grant, deny, renew, suspend, or revoke licenses to practice acupuncture and related techniques for any cause stated in this chapter. Except as otherwise provided by this chapter, the board shall have exclusive jurisdiction to determine who shall be permitted to practice acupuncture and related techniques in the State of Arkansas; and

(9) Conduct disciplinary proceedings ~~as provided in~~ under this chapter.

SECTION 4. Arkansas Code Title 17, Chapter 102, Subchapter 3 is amended to add additional section to read as follows:

17-102-312. Legend drugs.

An acupuncturist as defined in 17-102-102(2) shall not prescribe, dispense, or administer a legend drug as defined under § 20-64-503.

17-102-313. Injections.

An acupuncturist as defined in §17-102-102(2) shall not administer an injection of a substance."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator P. Malone

MGF/KSW - 03-26-2009 10:47

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Secretary