

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S3/26/09 S3/31/09

# A Bill

SENATE BILL 402

5 By: Senator P. Malone  
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7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT ACUPUNCTURISTS FROM  
10 ADMINISTERING, DISPENSING, OR PRESCRIBING LEGEND  
11 DRUGS; AND FOR OTHER PURPOSES.  
12

## Subtitle

14 AN ACT TO PROHIBIT ACUPUNCTURISTS FROM  
15 ADMINISTERING, DISPENSING, OR  
16 PRESCRIBING LEGEND DRUGS.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 *SECTION 1. Arkansas Code § 17-102-104 is amended to read as follows:*  
22 *17-102-104. False advertising.*

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

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

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

32 *(d) A violation of this section is grounds for disciplinary action*  
33 *under § 17-102-309(a)(4).*  
34

35 *SECTION 2. Arkansas Code § 17-102-201(a), concerning the creation of*  
36 *the Arkansas State Board of Acupuncture and Related Techniques, is amended to*



1 add an additional subdivision to read as follows:

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

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

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

16  
17 SECTION 3. Arkansas Code § 17-102-206(b), concerning the duties and  
18 power of the Arkansas State Board of Acupuncture and Related Techniques, is  
19 amended to read as follows:

20 (b) The board is authorized to:

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

23 (2) Sue and be sued;

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

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

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

35 (B) Within thirty (30) days after the effective date of  
36 this act, the Arkansas State Board of Acupuncture and Related Techniques

1 shall promulgate new rules to replace the following existing rules: Title I,  
2 Title II, Title III, Title IV, Title V, and Title VI.

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

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

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

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

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

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

23 17-102-312. Legend drugs.

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

26  
27 17-102-313. Injections.

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

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31 /s/ P. Malone  
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