

1 A bill to be entitled
 2 An act relating to acupuncture; amending s. 457.102,
 3 F.S.; revising and providing definitions; amending s.
 4 457.105, F.S.; revising licensure requirements;
 5 providing applicability; amending ss. 457.107,
 6 457.1085, 457.116, F.S.; conforming provisions to
 7 changes made by the act; amending s. 457.1085, F.S.;
 8 removing obsolete provisions; providing an effective
 9 date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 **Section 1. Section 457.102, Florida Statutes, is amended**
 14 **to read:**

15 457.102 Definitions.—As used in this chapter:
 16 (1) "Acupuncture" means a form of primary health care,
 17 based on traditional Chinese medical concepts and modern eastern
 18 ~~oriental~~ medical techniques, that employs acupuncture diagnosis
 19 and treatment, as well as adjunctive therapies and diagnostic
 20 techniques, for the promotion, maintenance, and restoration of
 21 health and the prevention of disease. Acupuncture shall include,
 22 but not be limited to, the insertion of acupuncture needles and
 23 the application of moxibustion to specific areas of the human
 24 body and the use of electroacupuncture, Qi Gong, eastern
 25 ~~oriental~~ massage, herbal therapy, dietary guidelines, and other

26 adjunctive therapies, as defined by board rule.

27 (2) "Acupuncturist" means a practitioner of the healing
28 arts ~~any person~~ licensed as provided in this chapter to practice
29 acupuncture as a primary health care provider.

30 (3) "Board" means the Board of Acupuncture.

31 (4) ~~(5)~~ "Department" means the Department of Health.

32 (5) "Direct supervision" means the immediate onsite
33 supervision of other Florida licensees where the acupuncturist
34 individually or collectively assumes legal liability for the
35 supervised actions.

36 (6) "Eastern ~~Oriental~~ medicine" means the use of a healing
37 art that employs assessment, health history, physical
38 examination, and the use of acupuncture diagnosis and diagnostic
39 techniques, including referral for diagnostic imaging and
40 clinical laboratory testing to evaluate, manage, and correct a
41 condition using acupuncture, electroacupuncture, Qi Gong,
42 eastern ~~oriental~~ massage, herbal therapy, dietary guidelines,
43 acupoint injection, manual therapy, and other adjunctive
44 therapies.

45 (7) ~~(4)~~ "License" means the document of authorization
46 issued by the department for a person to engage in the practice
47 of acupuncture.

48 (8) "Practice of acupuncture" means to provide primary
49 health care and treatment services that apply traditional
50 Chinese medical concepts, anatomy and physiology, and modern

51 eastern medical techniques using acupuncture and eastern
52 medicine to identify, and evaluate and manage abnormal
53 conditions, for the promotion, maintenance, and restoration of
54 health, and the prevention of human disease as set forth in this
55 chapter. The practice of acupuncture includes, but is not
56 limited to, the stimulation of points, areas of the body, and
57 tissues using needles, devices, and other means defined by board
58 rule; the exercise of prescriptive rights as set forth in this
59 chapter; and the use of adjunctive therapies as defined by board
60 rule.

61 (9) ~~(7)~~ "Prescriptive rights" means the prescription,
62 administration, and use of needles and devices, restricted
63 devices, and prescription devices, and the recommendation for or
64 ordering of, or administration of herbs, homeopathics, and other
65 nutritional supplements in sterile form, clinical lab tests, and
66 diagnostic imaging ~~that are~~ used in the practice of acupuncture
67 and eastern ~~oriental~~ medicine unless otherwise prohibited by
68 state or federal law or regulation. For the purposes of this
69 subsection herbs, homeopathics, and other nutritional
70 supplements in sterile form includes, but is not limited to,
71 products specially compounded or manufactured commercially for
72 injection by means of a hypodermic needle, including vitamins,
73 minerals, lipids, sugars, carbohydrates, amino acids, natural
74 compounds, natural substances, and local anesthetics. The term
75 does not include ophthalmic or oral inhalation drugs in aqueous

76 format, corticosteroids, antibiotics, vaccinations, botulinum
 77 toxin, and controlled substances as defined in s. 893.02 or
 78 other medications not used for the practice of acupuncture.

79 **Section 2. Paragraphs (b), (c), and (d) of subsection (2)**
 80 **of section 457.105, Florida Statutes, are amended, and paragraph**
 81 **(e) is added to that subsection, to read:**

82 457.105 Licensure qualifications and fees.—

83 (2) A person may become licensed to practice acupuncture
 84 if the person applies to the department and:

85 (b) Has completed 60 college credits from an accredited
 86 postsecondary institution as a prerequisite to enrollment in an
 87 authorized ~~3-year course of study in acupuncture and oriental~~
 88 ~~medicine, and has completed a 3-year course of study in~~
 89 ~~acupuncture and oriental medicine, and effective July 31, 2001,~~
 90 ~~a 4-year course of study in acupuncture and eastern oriental~~
 91 ~~medicine, which meets standards established by the board by~~
 92 ~~rule, including which standards include, but are not limited to,~~
 93 ~~successful completion of academic courses in western anatomy,~~
 94 ~~western physiology, western pathology, western biomedical~~
 95 ~~terminology, first aid, and cardiopulmonary resuscitation (CPR)–~~
 96 ~~However, any person who enrolled in an authorized course of~~
 97 ~~study in acupuncture before August 1, 1997, must have completed~~
 98 ~~only a 2-year course of study which meets standards established~~
 99 ~~by the board by rule, which standards must include, but are not~~
 100 ~~limited to, successful completion of academic courses in western~~

101 ~~anatomy, western physiology, and western pathology;~~

102 (c) Has successfully completed a board-approved national
103 examination and certification process ~~and~~ meets the
104 requirements for licensure by endorsement under s. 456.0145, ~~or~~
105 ~~passes an examination administered by the department, which~~
106 ~~examination tests the applicant's competency and knowledge of~~
107 ~~the practice of acupuncture and oriental medicine. At the~~
108 request of any applicant, traditional ~~oriental~~ nomenclature for
109 the points shall be used in the examination. The examination
110 shall include a practical examination of the knowledge and
111 skills required to practice modern and traditional acupuncture
112 and eastern ~~oriental~~ medicine, covering diagnostic and treatment
113 techniques and procedures; and

114 (d) Pays the required fees set by the board by rule not to
115 exceed the following amounts:

116 ~~1. Examination fee: \$500 plus the actual per applicant~~
117 ~~cost to the department for purchase of the written and practical~~
118 ~~portions of the examination from a national organization~~
119 ~~approved by the board.~~

120 ~~1.2.~~ Application fee: \$300.

121 ~~3. Reexamination fee: \$500 plus the actual per applicant~~
122 ~~cost to the department for purchase of the written and practical~~
123 ~~portions of the examination from a national organization~~
124 ~~approved by the board.~~

125 ~~2.4.~~ Initial biennial licensure fee: \$400, if licensed in

126 the first half of the biennium, and \$200, if licensed in the
 127 second half of the biennium.

128 (e) This subsection does not prohibit an acupuncturist
 129 licensed in another state, the District of Columbia, or a
 130 possession or territory of the United States from performing
 131 acupuncture procedures or demonstrating equipment or supplies
 132 for educational purposes at a board-approved continuing
 133 education program.

134 **Section 3. Subsection (3) of section 457.107, Florida**
 135 **Statutes, is amended to read:**

136 457.107 Renewal of licenses; continuing education.—

137 (3) The board shall prescribe by rule continuing education
 138 requirements of up to 30 hours biennially as a condition for
 139 renewal of a license. All education programs must be approved by
 140 the board and ~~that~~ contribute to the advancement, extension, or
 141 enhancement of professional skills and knowledge related to the
 142 practice of acupuncture, whether conducted by a nonprofit or
 143 profitmaking entity, ~~are eligible for approval.~~ The continuing
 144 professional education requirements must be in acupuncture or
 145 eastern ~~oriental~~ medicine subjects, including, but not limited
 146 to, anatomy, biological sciences, adjunctive therapies,
 147 sanitation and sterilization, emergency protocols, and diseases,
 148 or practice management. The board may set a fee of up to \$100
 149 for each continuing education provider. The licensee shall
 150 retain in his or her records the certificates of completion of

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151 continuing professional education requirements. All national and
152 state acupuncture and eastern ~~oriental~~ medicine organizations
153 and acupuncture and eastern ~~oriental~~ medicine schools are
154 approved to provide continuing professional education in
155 accordance with this subsection.

156 **Section 4. Section 457.1085, Florida Statutes, is amended**
157 **to read:**

158 457.1085 Infection control.—~~Prior to November 1, 1986,~~ The
159 board shall adopt rules relating to the prevention of infection,
160 the safe disposal of any potentially infectious materials, and
161 other requirements to protect the health, safety, and welfare of
162 the public. ~~Beginning October 1, 1997,~~ All acupuncture needles
163 that are to be used on a patient must be sterile and disposable,
164 and each needle may be used only once.

165 **Section 5. Paragraph (b) of subsection (1) of section**
166 **457.116, Florida Statutes, is amended to read:**

167 457.116 Prohibited acts; penalty.—

168 (1) A person may not:

169 (b) Use, in connection with his or her name or place of
170 business, any title or description of services which
171 incorporates the words "acupuncture," "acupuncturist,"
172 "certified acupuncturist," "licensed acupuncturist," "eastern
173 ~~oriental~~ medical practitioner"; the letters "L.Ac.," "R.Ac.,"
174 "A.P.," or "D.O.M."; or any other words, letters, abbreviations,
175 or insignia indicating or implying that he or she practices

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176 | acupuncture unless he or she is a holder of a valid license
177 | issued pursuant to ss. 457.101-457.118;

178 | **Section 6.** This act shall take effect July 1, 2025.