

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 any person licensed as provided
28 in this chapter to practice acupuncture as a primary health care
29 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 a practice that
37 employs assessment, health history, physical examination, the
38 use of acupuncture diagnosis and diagnostic techniques, the use
39 of acupuncture, electroacupuncture, Qi Gong, eastern oriental
40 massage, herbal therapy, dietary guidelines, acupoint injection,
41 and other adjunctive therapies.

42 (7) ~~(4)~~ "License" means the document of authorization
43 issued by the department for a person to engage in the practice
44 of acupuncture.

45 (8) "Practice of acupuncture" means to provide services
46 that apply traditional Chinese medical concepts, anatomy and
47 physiology, and modern eastern medical techniques using
48 acupuncture and eastern medicine, and the exercise of
49 prescriptive rights as provided under subsection (9) to identify
50 and evaluate and manage abnormal conditions, for the promotion,

51 maintenance, and restoration of health. The practice of
52 acupuncture includes stimulation of points, areas of the body,
53 and tissues using needles and devices.

54 (9)(7) "Prescriptive rights" means the prescription,
55 administration, and use of needles and devices, restricted
56 devices, and prescription devices, and the recommendation for or
57 ordering of, or administration of herbs, homeopathics, and other
58 nutritional supplements in sterile form that are used in the
59 practice of acupuncture and eastern ~~oriental~~ medicine unless
60 otherwise prohibited by state or federal law or regulation. For
61 the purposes of this subsection herbs, homeopathics, and other
62 nutritional supplements in sterile form includes vitamins,
63 minerals, lipids, sugars, carbohydrates, and amino acids. The
64 term does not include ophthalmic or oral inhalation drugs in
65 aqueous format, corticosteroids, antibiotics, vaccinations,
66 botulinum toxin, and controlled substances as defined in s.
67 893.02, medicinal drugs as defined in s. 465.003, or other
68 medications not used for the practice of acupuncture.

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

72 457.105 Licensure qualifications and fees.—

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

75 (b) Has completed 60 college credits from an accredited

76 postsecondary institution as a prerequisite to enrollment in an
77 authorized ~~3-year course of study in acupuncture and oriental~~
78 ~~medicine, and has completed a 3-year course of study in~~
79 ~~acupuncture and oriental medicine, and effective July 31, 2001,~~
80 ~~a 4-year course of study in acupuncture and eastern oriental~~
81 ~~medicine, which meets standards established by the board by~~
82 ~~rule, including which standards include, but are not limited to,~~
83 ~~successful completion of academic courses in western anatomy,~~
84 ~~western physiology, western pathology, western biomedical~~
85 ~~terminology, first aid, and cardiopulmonary resuscitation (CPR),~~
86 ~~and 60 hours of study in injection therapy. However, any person~~
87 ~~who enrolled in an authorized course of study in acupuncture~~
88 ~~before August 1, 1997, must have completed only a 2-year course~~
89 ~~of study which meets standards established by the board by rule,~~
90 ~~which standards must include, but are not limited to, successful~~
91 ~~completion of academic courses in western anatomy, western~~
92 ~~physiology, and western pathology;~~

93 (c) Has successfully completed a board-approved national
94 examination and certification process or, meets the requirements
95 for licensure by endorsement under s. 456.0145, ~~or passes an~~
96 ~~examination administered by the department, which examination~~
97 ~~tests the applicant's competency and knowledge of the practice~~
98 ~~of acupuncture and oriental medicine. At the request of any~~
99 applicant, traditional ~~oriental~~ nomenclature for the points
100 shall be used in the examination. The examination shall include

101 a practical examination of the knowledge and skills required to
102 practice modern and traditional acupuncture and eastern ~~oriental~~
103 medicine, covering diagnostic and treatment techniques and
104 procedures; and

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

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

111 1.2. Application fee: \$300.

112 ~~3. Recexamination fee: \$500 plus the actual per applicant~~
113 ~~cost to the department for purchase of the written and practical~~
114 ~~portions of the examination from a national organization~~
115 ~~approved by the board.~~

116 2.4. Initial biennial licensure fee: \$400, if licensed in
117 the first half of the biennium, and \$200, if licensed in the
118 second half of the biennium.

119 (e) This subsection does not prohibit an acupuncturist
120 licensed in another state, the District of Columbia, or a
121 possession or territory of the United States from performing
122 acupuncture procedures or demonstrating equipment or supplies
123 for educational purposes at a board-approved continuing
124 education program.

125 **Section 3. Subsection (3) of section 457.107, Florida**

Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.—

(3) The board shall prescribe by rule continuing education requirements of up to 30 hours biennially as a condition for renewal of a license. All education programs must be approved by the board and ~~that~~ contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, ~~are eligible for approval~~. The continuing professional education requirements must be in acupuncture or eastern oriental ~~eastern oriental~~ medicine subjects, including, but not limited to, anatomy, biological sciences, adjunctive therapies, sanitation and sterilization, emergency protocols, and diseases, or practice management. The board may set a fee of up to \$100 for each continuing education provider. The licensee shall retain in his or her records the certificates of completion of continuing professional education requirements. All national and state acupuncture and eastern oriental ~~eastern oriental~~ medicine organizations and acupuncture and eastern oriental ~~eastern oriental~~ medicine schools are approved to provide continuing professional education in accordance with this subsection.

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

457.1085 Infection control.—~~Prior to November 1, 1986,~~ The board shall adopt rules relating to the prevention of infection,

151 the safe disposal of any potentially infectious materials, and
152 other requirements to protect the health, safety, and welfare of
153 the public. ~~Beginning October 1, 1997,~~ All acupuncture needles
154 that are to be used on a patient must be sterile and disposable,
155 and each needle may be used only once.

156 **Section 5. Paragraph (b) of subsection (1) of section**
157 **457.116, Florida Statutes, is amended to read:**

158 457.116 Prohibited acts; penalty.—

159 (1) A person may not:

160 (b) Use, in connection with his or her name or place of
161 business, any title or description of services which
162 incorporates the words "acupuncture," "acupuncturist,"
163 "certified acupuncturist," "licensed acupuncturist," "eastern
164 ~~oriental~~ medical practitioner"; the letters "L.Ac.," "R.Ac.,"
165 "A.P.," or "D.O.M."; or any other words, letters, abbreviations,
166 or insignia indicating or implying that he or she practices
167 acupuncture unless he or she is a holder of a valid license
168 issued pursuant to ss. 457.101-457.118;

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