

By Senator Calatayud

38-00830-26

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A bill to be entitled
An act relating to acupuncture; reordering and
amending s. 457.102, F.S.; revising definitions and
defining terms; amending s. 457.105, F.S.; revising
licensure requirements for acupuncturists; eliminating
certain examination fees; providing construction;
amending s. 457.107, F.S.; revising requirements for
continuing education programs for acupuncturists;
amending s. 457.1085, F.S.; deleting obsolete
language; amending s. 457.116, F.S.; conforming
provisions to changes made by the act; providing an
effective date.

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

Section 1. Section 457.102, Florida Statutes, is reordered
and amended to read:

457.102 Definitions.—As used in this chapter:

(1) "Acupuncture" means a form of primary health care,
based on traditional Chinese medical concepts and modern Eastern
~~oriental~~ medical techniques, which ~~that~~ employs acupuncture
diagnosis and treatment, as well as adjunctive therapies and
diagnostic techniques, for the promotion, maintenance, and
restoration of health and the prevention of disease. Acupuncture
includes ~~shall include~~, but is not ~~be~~ limited to, the insertion
of acupuncture needles and the application of moxibustion to
specific areas of the human body and the use of
electroacupuncture, Qi Gong, Eastern ~~oriental~~ massage, herbal
therapy, dietary guidelines, and other adjunctive therapies, as

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defined by board rule.

(2) "Acupuncturist" means any person licensed as provided in this chapter to practice acupuncture as a primary health care provider.

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

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

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

(5) "Direct supervision" means the immediate onsite supervision of other Florida-licensed health care practitioners where the acupuncturist individually or collectively assumes legal liability for the supervised actions.

(6) "Eastern Oriental medicine" means a practice that employs assessment, health history, physical examination, the use of acupuncture diagnosis and diagnostic techniques, electroacupuncture, Qi Gong, Eastern oriental massage, herbal therapy, dietary guidelines, acupoint injection, and other adjunctive therapies.

(8) "Practice of acupuncture" means to provide services that apply traditional Chinese medical concepts, anatomy and physiology, and modern Eastern medical techniques using acupuncture and Eastern medicine, and the exercise of prescriptive rights as provided under subsection (9) to identify and evaluate and manage abnormal conditions, for the promotion, maintenance, and restoration of health. The practice of acupuncture includes stimulation of points, areas of the body, and tissues using needles and devices.

(9)~~(7)~~ "Prescriptive rights" means the prescription,

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administration, and use of needles and devices, restricted devices, and prescription devices, and the recommendation for or ordering of, or administration of herbs, homeopathics, and other nutritional supplements in sterile form ~~that are~~ used in the practice of acupuncture and Eastern ~~oriental~~ medicine unless otherwise prohibited by state or federal law or regulation. For the purposes of this subsection, herbs, homeopathics, and other nutritional supplements in sterile form include vitamins, minerals, lipids, sugars, carbohydrates, and amino acids. The term does not include ophthalmic or oral inhalation drugs in aqueous format, corticosteroids, antibiotics, vaccinations, botulinum toxin, controlled substances as defined in s. 893.02, medicinal drugs as defined in s. 465.003, or other medications not used for the practice of acupuncture.

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

457.105 Licensure qualifications and fees.—

(2) A person may become licensed to practice acupuncture if the person applies to the department and meets all of the following criteria:

(b) Has completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized ~~3-year course of study in acupuncture and oriental medicine, and has completed a 3-year course of study in acupuncture and oriental medicine, and effective July 31, 2001,~~ a 4-year course of study in acupuncture and Eastern ~~oriental~~ medicine, which meets standards established by the board by rule, including ~~which standards include,~~ but ~~are~~ not limited to,

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88 successful completion of academic courses in Western anatomy,
89 Western physiology, Western pathology, Western biomedical
90 terminology, first aid, ~~and~~ cardiopulmonary resuscitation (CPR),
91 and 60 hours of study in injection therapy. ~~However, any person~~
92 ~~who enrolled in an authorized course of study in acupuncture~~
93 ~~before August 1, 1997, must have completed only a 2-year course~~
94 ~~of study which meets standards established by the board by rule,~~
95 ~~which standards must include, but are not limited to, successful~~
96 ~~completion of academic courses in western anatomy, western~~
97 ~~physiology, and western pathology.~~

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

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

112 1. ~~Examination fee: \$500 plus the actual per applicant cost~~
113 ~~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. Application fee: \$300.

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

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

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

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~~ 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

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146 retain in his or her records the certificates of completion of
147 continuing professional education requirements. All national and
148 state acupuncture and Eastern ~~oriental~~ medicine organizations
149 and acupuncture and Eastern ~~oriental~~ medicine schools are
150 approved to provide continuing professional education in
151 accordance with this subsection.

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

154 457.1085 Infection control. ~~Prior to November 1, 1986,~~ The
155 board shall adopt rules relating to the prevention of infection,
156 the safe disposal of any potentially infectious materials, and
157 other requirements to protect the health, safety, and welfare of
158 the public. ~~Beginning October 1, 1997,~~ All acupuncture needles
159 that are to be used on a patient must be sterile and disposable,
160 and each needle may be used only once.

161 Section 5. Subsection (1) of section 457.116, Florida
162 Statutes, is amended to read:

163 457.116 Prohibited acts; penalty.—

164 (1) A person may not:

165 (a) Practice acupuncture unless the person is licensed
166 under ss. 457.101-457.118;

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

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issued pursuant to ss. 457.101-457.118;

(c) Present as his or her own the license of another;

(d) Knowingly give false or forged evidence to the board or a member thereof;

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status;

(f) Employ any person who is not licensed pursuant to ss. 457.101-457.118 to engage in the practice of acupuncture; or

(g) Conceal information relating to any violation of ss. 457.101-457.118.

Section 6. This act shall take effect July 1, 2026.