

SENATE BILL NO. 307

INTRODUCED BY

Keena

Harding
Leimer *Carlson* HARP

Benedict Lynch
Spencer

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF ACUPUNCTURE; PROHIBITING UNLICENSED PERSONS FROM PURPORTING TO PRACTICE ACUPUNCTURE; AND AMENDING SECTIONS 37-13-103, 37-13-104, AND 37-13-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-13-103, MCA, is amended to read:

"37-13-103. Definitions. As used in this chapter, the following definitions apply:

(1) "Acupuncture" means the diagnosis, treatment, or correction of ~~the human body~~ human conditions, ailments, diseases, injuries, or infirmities by means of mechanical, thermal, or electrical stimulation effected by the insertion of solid needles. The term includes the use of acupressure and the use of oriental food therapies and herbs.

(2) "Acupuncturist" means a natural person licensed by the board of medical examiners to practice acupuncture.

(3) "Board" means the Montana state board of medical examiners.

(4) "School of acupuncture" means a school ~~where~~ in which acupuncture is taught that has been recognized and designated by the board of medical examiners."

Section 2. Section 37-13-104, MCA, is amended to read:

"37-13-104. Partial exemptions. (1) (a) ~~Nothing in this~~ This chapter shall ~~shall~~ may not be construed to require doctors of medicine, osteopathy, chiropractic, dentistry, and podiatry who are licensed in Montana to take further examinations in anatomy, physiology, chemistry, dermatology, diagnosis, bacteriology, materia medica, or other subjects ~~which~~ that are or may be required for licensure in their respective professions; ~~but no~~

(b) A doctor of medicine, osteopathy, chiropractic, dentistry, or podiatry ~~shall~~ may not practice acupuncture in this state unless ~~and until he~~ that doctor has completed a course and passed an examination in acupuncture as required by this chapter.

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1 in acupuncture as required by this chapter.

2 (2) Except as provided in 37-13-301 and with particular regard to the insertion of solid needles
3 USED TO PERFORM ACUPUNCTURE, this chapter is not intended to limit, interfere with, or prevent a
4 licensed health professional from practicing within the scope of the health professional's license."

5

6 **Section 3.** Section 37-13-301, MCA, is amended to read:

7 **"37-13-301. License required for practice. (1) ~~No~~ A person may not engage in the practice of**
8 **acupuncture in this state unless ~~he~~ the person is licensed under the provisions of this chapter.**

9 **(2) A person may not purport to practice acupuncture or use the title "acupuncturist" or any similar**
10 **title unless the person is licensed under the provisions of this chapter."**

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-END-



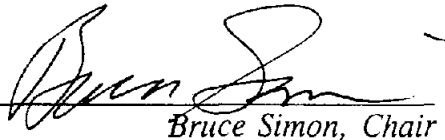
HOUSE STANDING COMMITTEE REPORT

March 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 307** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____


Bruce Simon, Chair

Carried by: Rep. Keenan

And, that such amendments read:

1. Page 1, line 15.

Strike: "therapies"

Insert: "remedies"

Strike: "THERAPIES"

Insert: "remedies"

Strike: "REMAINS"

Insert: "is"

2. Page 2, line 5.

Insert: "(3) This chapter does not affect the practice of an occupation by an individual who does not represent to the public that the individual is licensed under this chapter."

-END-

Committee Vote:
Yes 18, No 0.

SB301
HOUSE
611111SC.Hbk



HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill 307
Representative Simon

March 20, 1995 2:51 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 307 (third reading copy -- blue).

Signed: 
Representative Simon

And, that such amendments to Senate Bill 307 read as follows:

1. Page 1, lines 15 and 16.
Strike: "THE" on line 15 through "BOARD." on line 16

-END-

ADOPT

93-0

REJECT

SB 307

...HOUSE

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3 USED TO PERFORM ACUPUNCTURE, this chapter is not intended to limit, interfere with, or prevent a
4 licensed health professional from practicing within the scope of the health professional's license.

5 (3) THIS CHAPTER DOES NOT AFFECT THE PRACTICE OF AN OCCUPATION BY AN INDIVIDUAL
6 WHO DOES NOT REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS LICENSED UNDER THIS
7 CHAPTER."

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9 **Section 3.** Section 37-13-301, MCA, is amended to read:

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11 acupuncture in this state unless ~~he~~ the person is licensed under the provisions of this chapter.

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13 title unless the person is licensed under the provisions of this chapter."

14

-END-