

ASSEMBLY BILL

No. 231

Introduced by Assembly Member Battin

January 28, 1999

An act to amend Section 4935 of, and to add Section 4939.5 to, the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 231, as introduced, Battin. Acupuncture.

Existing law provides that any person, other than a physician, osteopathic physician, dentist, or podiatrist, who is a licensed healing arts provider but is not licensed to practice acupuncture, who practices acupuncture involving the application of a needle to the human body, performs any acupuncture technique or method involving the application of a needle to the human body, or directs, manages, or supervises another person in the performance of acupuncture involving the application of a needle to the human body is guilty of a misdemeanor.

This bill would provide that a person who is not licensed as an acupuncturist or as a physician and surgeon, a dentist, or a podiatrist, may perform any acupuncture technique or method involving the application of a needle to the human ear under specified circumstances in conjunction with the clinical treatment of alcohol or other drug dependence.

Existing law requires the Division of Licensing of the Medical Board of California to establish standards for the approval of schools and colleges offering education and

training in the practice of an acupuncturist, including standards for the faculty in those schools and colleges, and tutorial programs.

This bill would require the division to establish standards for the training of unlicensed persons, and supervisors thereof, who perform any acupuncture technique or method involving the application of a needle to the human ear in conjunction with the clinical treatment of alcohol or other drug dependence.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4935 of the Business and
2 Professions Code is amended to read:

3 4935. (a) Any person who practices acupuncture or
4 holds himself or herself out as practicing or engaging in
5 the practice of acupuncture, unless he or she possesses an
6 acupuncturist’s license, is guilty of a misdemeanor.

7 (b) Notwithstanding any other provision of law, any
8 person, other than *a person described in subdivision (e)*
9 *or a physician and surgeon, a dentist, or a podiatrist, who*
10 *is not licensed under this article but is licensed under*
11 ~~Division 2 (commencing with Section 500)~~ *this division,*
12 *who practices acupuncture involving the application of a*
13 *needle to the human body, performs any acupuncture*
14 *technique or method involving the application of a*
15 *needle to the human body, or directs, manages, or*
16 *supervises another person in performing acupuncture*
17 *involving the application of a needle to the human body*
18 *is guilty of a misdemeanor.*

19 (c) A person holds himself or herself out as engaging
20 in the practice of acupuncture by the use of any title or
21 description of services incorporating the words
22 “acupuncture,” “acupuncturist,” “certified
23 acupuncturist,” “licensed acupuncturist,” “oriental
24 medicine,” or any combination of those words, phrases, or
25 abbreviations of those words or phrases, or by
26 representing that he or she is trained, experienced, or an



1 expert in the field of acupuncture, oriental medicine, or
2 Chinese medicine.

3 (d) Subdivision (a) shall not prohibit a person from
4 administering acupuncture treatment as part of his or her
5 educational training when he or she:

6 (1) Is engaged in a course or tutorial program in
7 acupuncture, as provided in this chapter; or

8 (2) Is a graduate of a school of acupuncture approved
9 by the committee and participating in a postgraduate
10 review course that does not exceed six months in duration
11 at a school approved by the board.

12 (e) *A person who is not licensed under this article,*
13 *other than a physician and surgeon, a dentist, or a*
14 *podiatrist, who is licensed under this division, may*
15 *perform any acupuncture technique or method involving*
16 *the application of a needle to the human ear if both of the*
17 *following requirements are complied with:*

18 (1) *The use of any acupuncture technique or method*
19 *is in conjunction with the clinical treatment of alcohol or*
20 *other drug dependence within a licensed chemical*
21 *dependency recovery hospital, as defined in Section*
22 *1250.3 of the Health and Safety Code, and is under the*
23 *general supervision of a physician and surgeon licensed*
24 *under this division or acupuncturist licensed under this*
25 *article.*

26 (2) *The person who supervises the acupuncture*
27 *procedure on the ear or the person who performs this*
28 *procedure has completed training that meets the*
29 *requirements established by the Acupuncture Board for*
30 *this procedure.*

31 SEC. 2. Section 4939.5 is added to the Business and
32 Professions Code, to read:

33 4939.5. The Acupuncture Board shall establish
34 standards for the training of an unlicensed person who
35 performs any acupuncture technique or method
36 involving the application of a needle to the human ear in
37 conjunction with the clinical treatment of alcohol or
38 other drug dependence. The Acupuncture Board shall
39 also establish standards for the training of a person
40 authorized to supervise a person who performs this



1 technique or method pursuant to subdivision (e) of
2 Section 4935.

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