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# A BILL FOR AN ACT

RELATING TO NATUROPATHIC MEDICINE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 455, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§455-    Naturopathic formulary committee. (a) The  
5 department shall establish a naturopathic formulary committee  
6 that complies with the standards established by this section.  
7 The committee shall consist of seven members appointed by the  
8 director of commerce and consumer affairs, as follows:

9           (1) Two persons licensed as naturopathic physicians under  
10           this chapter;

11           (2) Three persons licensed as pharmacists under chapter  
12           461; and

13           (3) Two persons licensed as physicians under chapter 453.

14           Each member shall serve until the member's successor is  
15 appointed and qualified. A majority of the members of the  
16 naturopathic formulary committee shall be employed in at least a  
17 half-time capacity as practitioners in the fields of their  
18 respective licensure during their tenure on the committee.



1       (b) The naturopathic formulary committee shall establish a  
2 naturopathic formulary for the practice of naturopathic  
3 medicine; provided that the committee shall develop standards  
4 for review that have been approved by a majority of the  
5 committee prior to establishing a naturopathic formulary. The  
6 naturopathic formulary committee shall meet at least once every  
7 two calendar years to review and update the naturopathic  
8 formulary. Naturopathic formularies established and updated  
9 pursuant to this subsection shall be consistent with  
10 naturopathic medical practice."

11       SECTION 2. Section 455-1, Hawaii Revised Statutes, is  
12 amended as follows:

13       1. By amending the definition of "naturopathic formulary"  
14 to read:

15       "Naturopathic formulary" means vitamins, minerals, dietary  
16 supplements, botanical medicines, homeopathic medicines, and  
17 hormones [~~, and these legend drugs~~] consistent with naturopathic  
18 medical practice."

19       2. By repealing the definition of "legend drug".

20       ~~["Legend drug" means any drug falling within section~~  
21 ~~503(b)(1) of the federal Food, Drug and Cosmetic Act and which~~  
22 ~~is required to be labeled with the statement "Rx only".]~~



1 SECTION 3. Section 455-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§455-6 Powers and authority of the board. In addition to  
4 any other powers and duties authorized by law, the board may:

5 (1) Adopt and use a seal to be affixed to all official  
6 acts of the board;

7 (2) Adopt, amend, or repeal rules in accordance with  
8 chapter 91 to carry out the purposes of this chapter;  
9 provided that all rules shall be approved by the  
10 governor and the director of commerce and consumer  
11 affairs; and provided further that the rules:

12 (A) May forbid acts or practices deemed by the board  
13 to be detrimental to the accomplishment of the  
14 purpose of this chapter;

15 (B) Shall establish standards of practice, care, and  
16 ethics; and

17 (C) Shall establish the education and training  
18 requirements for parenteral therapy and the  
19 standards to administer parenteral therapy, and  
20 establish examination standards and require the  
21 passage of an examination on minor office



- 1                   procedures, which standards and requirements  
2                   shall take effect after December 31, 2009;
- 3       (3)   Develop standards for licensure;
- 4       (4)   Issue, renew, suspend, and revoke licenses and fine  
5           licensees;
- 6       (5)   Investigate and conduct hearings regarding any  
7           violation of this chapter and any rules of the board;
- 8       (6)   Maintain a record of its proceedings;
- 9       (7)   ~~[Annually establish and]~~ Biannually publish a  
10           naturopathic formulary that has been established by  
11           the naturopathic formulary committee as provided under  
12           section 455-   and approved by the board for  
13           prescription, administration, or dispensing by  
14           naturopathic physicians; and
- 15       (8)   Do all things necessary to carry out the functions,  
16           powers, and duties set forth in this chapter."

17       SECTION 4.   Section 455-11, Hawaii Revised Statutes, is  
18   amended by amending subsection (a) to read as follows:

19       "(a)   In addition to any other actions authorized by law,  
20   the board shall have the power to deny, revoke, suspend, or  
21   refuse to renew any license to practice naturopathic medicine  
22   applied for or issued by the board in accordance with this



1 chapter, and to fine or otherwise discipline a licensee for any  
2 cause authorized by law, including [~~but not limited to~~] the  
3 following:

- 4 (1) Procuring, or aiding or abetting in procuring, a  
5 criminal abortion;
- 6 (2) Employing any person to solicit patients;
- 7 (3) Obtaining a fee on the assurance that a manifestly  
8 incurable disease can be permanently cured;
- 9 (4) Betraying a patient's confidence;
- 10 (5) Making any untruthful and improbable statement in  
11 advertising one's naturopathic practice or business;
- 12 (6) False, fraudulent, or deceptive advertising;
- 13 (7) Being habituated to the excessive use of drugs or  
14 alcohol; or being addicted to, dependent on, or an  
15 habitual user of a narcotic, barbiturate, amphetamine,  
16 hallucinogen, or other drug having similar effects;
- 17 (8) Practicing naturopathic medicine while the ability to  
18 practice is impaired by alcohol, drug, physical  
19 disability, or mental instability;
- 20 (9) Procuring a license through fraud, misrepresentation,  
21 or deceit or knowingly permitting an unlicensed person  
22 to perform activities requiring a license;



- 1 (10) Professional misconduct or gross carelessness or  
2 manifest incapacity in the practice of naturopathic  
3 medicine;
- 4 (11) Conduct or practice contrary to recognized standard of  
5 ethics of the naturopathic profession;
- 6 (12) Using medical service or treatment which is  
7 inappropriate or unnecessary;
- 8 (13) Submitting to or filing with the board any notice,  
9 statement, or other document required under this  
10 chapter which is false or untrue or contains any  
11 material misstatement of fact;
- 12 (14) Failure to report to the board any disciplinary action  
13 taken against the licensee in another jurisdiction  
14 within thirty days after the disciplinary action  
15 becomes final;
- 16 (15) Using the title "physician" without clearly  
17 identifying oneself as being a naturopathic physician;
- 18 (16) Prescribing, administering, and dispensing  
19 [~~naturopathic formulary~~] substances that are not  
20 included in the formulary [~~established~~] approved by  
21 the board under section 455-6; and



1 (17) Violation of any provision of this chapter or rules  
2 adopted under this chapter."

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2020.



**Report Title:**

Naturopathy; Medicine

**Description:**

Establishes a Naturopathic Formulary Committee to create a naturopathic formulary to be approved by the Board of Naturopathic Medicine and updated and published every two years. Repeals provisions authorizing the use of "legend drugs" as a part of the practice of naturopathic medicine. Effective July 1, 2020. (HB2312 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

