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# A BILL FOR AN ACT

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RELATING TO HEALTH.

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

1       SECTION 1. The legislature finds that the State of Hawaii  
2 has a unique and rich blend of cultures and ethnicities that  
3 include many different healing traditions. Complementary and  
4 alternative medicine takes on increased significance in Hawaii  
5 because our diverse population uses complementary and  
6 alternative treatments frequently. The legislature further  
7 finds that these complementary and alternative treatments do not  
8 pose a known risk to the health and safety of Hawaii residents.

9       The purpose of this Act is to allow access by Hawaii  
10 residents to complementary and alternative health care  
11 practitioners who are not providing services that require  
12 medical training or other credentials.

13       SECTION 2. Chapter 453, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16       "§453-A Complementary and alternative medicine. (a)  
17 Notwithstanding any other provision of law, a person who



1 complies with the requirements of section 453-B shall not be in  
2 violation of this chapter unless that person:

3     (1) Conducts surgery or any other procedure on another  
4     person that punctures the skin or harmfully invades  
5     the body;

6     (2) Administers or prescribes x-ray radiation to another  
7     person;

8     (3) Prescribes or administers legend drugs or controlled  
9     substances to another person;

10    (4) Recommends the discontinuance of legend drugs or  
11    controlled substances prescribed by a licensed  
12    practitioner authorized by law to issue prescriptions;

13    (5) Wilfully diagnoses and treats a physical or mental  
14    condition of any person under circumstances or  
15    conditions that cause or create a risk of bodily harm,  
16    serious physical or mental illness, or death;

17    (6) Sets fractures;

18    (7) Treats lacerations or abrasions through  
19    electrotherapy; or



1       (8) Holds out, states, indicates, advertises, or implies  
2       to a client or prospective client that the person is a  
3       physician, surgeon, or physician and surgeon.

4       (b) A person who advertises any services not unlawful  
5       under section 328-20, shall disclose in the advertisement that  
6       the person is not licensed or certified by the State as a  
7       healing arts practitioner."

8       SECTION 3. Chapter 453, Hawaii Revised Statutes, is  
9       amended by adding a new section to be appropriately designated  
10      and to read as follows:

11      "§453-B Disclosure and consent. (a) A person, who is not  
12      a licensed physician or who is not otherwise licensed or  
13      certified by the State, who provides services that are not  
14      unlawful under section 453-A shall, prior to providing those  
15      services:

16      (1) Disclose to the client in a written statement using  
17      plain language the following information:

18      (A) That the person is not a licensed physician;

19      (B) That the treatment is alternative or  
20      complementary to healing arts services licensed  
21      or certified by the State;



1           (C) That the services to be provided are not licensed  
2           or certified by the State;

3           (D) The nature of the services to be provided;

4           (E) The theory of treatment upon which the services  
5           are based; and

6           (F) The person's educational, training, experience,  
7           and other qualifications regarding the services  
8           to be provided; and

9       (2) Obtain a written acknowledgement from the client  
10       stating that the client has been provided with the  
11       information described in paragraph (1). The client  
12       shall be provided with a copy of the written  
13       acknowledgement, which shall be maintained by the  
14       person providing the service for three years.

15       (b) The information required by subsection (a) shall be  
16       provided in a language that the client understands.

17       (c) Nothing in this section or in section 453-A shall be  
18       construed to:

19       (1) Affect the scope of practice of licensed physicians  
20       and surgeons; or



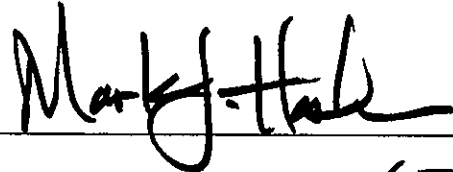
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1        (2) Limit the right of any person to seek relief for  
2        negligence or any other civil remedy against a person  
3        providing services subject to the requirements of this  
4        section."

5        SECTION 4. New statutory material is underscored.

6        SECTION 5. This Act shall take effect upon its approval.

7  
INTRODUCED BY:



JAN 26 2016

(BR)



# H.B. NO. 2433

**Report Title:**

Health; Alternative Medicine; Complementary Medicine

**Description:**

Allowing access to complementary and alternative health care practitioners who are not providing services that require medical training and credentials. Regulating the activities and advertisements of complementary and alternative health care practitioners.

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

