



GOV. MSG. NO. 824

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 15, 2009

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB420 SD2 HD2, without my approval, and with the statement of objections relating to the measure.

SB420 SD2 HD2

A BILL FOR AN ACT  
RELATING TO NATUROPATHIC MEDICINE.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 420

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 420, entitled "A Bill for an Act Relating to Naturopathic Medicine."

The purposes of this bill are to: (1) expand the scope of practice of naturopathic physicians by authorizing them to administer injections, perform minor office procedures, prescribe medicines and non-controlled substances, perform common diagnostic procedures (including the taking of blood and x-rays), and practice behavioral medicine, (2) authorize the issuance of temporary licenses for out-of-state naturopathic physicians in times of emergency, and (3) clarify the titles that may not be used by unlicensed persons.

This bill is objectionable because it does not provide adequate protection for the health and safety of the public. While the practice of naturopathy has a long history, there are concerns that this bill would allow naturopaths to practice beyond the scope of their education and training. Under this bill, naturopaths would be able to prescribe, administer by injection or other means, and dispense nonscheduled prescription drugs and other powerful substances that are capable of causing harm. Similarly, minor surgeries performed in an office setting have the potential to cause harm if not done by an individual with rigorous training and the proper expertise.

Additionally, this bill provides the Board of Examiners in Naturopathy with the authority to establish and publish a

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 420  
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naturopathic formulary of medicines, prescription drugs, and other substances from which naturopaths would be able to prescribe, administer, or dispense. The Board of Examiners in Naturopathy is composed of three naturopathic physicians and two public members. Thus, the determination of the formulary would be primarily the decision of naturopaths themselves. It would be preferable that the establishment of any naturopathic formulary include the participation of medical doctors and licensed pharmacists. No such protections are provided in this bill.

For the foregoing reasons, I am returning Senate Bill No. 420 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

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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 two new sections to be appropriately  
3 designated and to read as follows:

4           "§455-       Public health emergency; temporary and limited  
5 license for licensed out-of-state naturopathic physicians. (a)

6 If a public health emergency or disaster condition is declared  
7 by the governor, the board shall allow naturopathic physicians  
8 licensed in another state to provide temporary and limited  
9 naturopathic medicine in Hawaii under special provisions during  
10 the period of the declared public health emergency or disaster  
11 condition, subject to limitations and conditions as the governor  
12 and the board may prescribe.

13           (b) A limited and temporary license issued pursuant to  
14 this section shall be valid only for the period of the declared  
15 public health emergency or disaster condition.

16           (c) Out-of-state naturopathic physicians shall submit to  
17 the board the following information:



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1       (1) Verification of a valid, permanent, current, and  
2       unrestricted license to practice naturopathic medicine  
3       in another state which is not the subject of a pending  
4       investigation by a state medical board, or another  
5       state or federal agency; and

6       (2) A valid United States passport or state-issued  
7       driver's license for photo identification.

8       §455- Exceptions; scope of chapter. Nothing in this  
9       chapter shall be construed to prohibit or restrict:

10       (1) The practice of a profession by individuals who are  
11       licensed, certified, or registered under the laws of  
12       this State who are performing services within their  
13       authorized scope of practice;

14       (2) The practice of naturopathic medicine by an individual  
15       employed by the government of the United States while  
16       the individual is engaged in the performance of duties  
17       required of the individual by the laws and regulations  
18       of the United States;

19       (3) The practice of naturopathic medicine by students  
20       enrolled in a school that meets the requirements of  
21       section 455-3. The performance of naturopathic  
22       medicine by students shall be pursuant to a course of



1 instruction or assignments from an instructor and  
2 under the supervision of an instructor who is a  
3 naturopathic physician licensed pursuant to this  
4 chapter; and

5 (4) The practice by a doctor of naturopathic medicine duly  
6 registered or licensed in another state, territory, or  
7 the District of Columbia who is called into this state  
8 for consultation with a licensed naturopathic  
9 physician, including in-person, mail, electronic,  
10 telephonic, fiber-optic, or other telemedicine  
11 consultation; provided that:

12 (A) The naturopathic physician from another state  
13 shall not open an office, appoint a place to meet  
14 patients, or receive calls within this state for  
15 the provision of care for a patient who is  
16 located in this state; and

17 (B) The licensed naturopathic physician of this state  
18 retains control and remains responsible for the  
19 provision of care for the patient who is located  
20 in this state."

21 SECTION 2. Chapter 455, Hawaii Revised Statutes, is  
22 amended by amending its title to read as follows:



1                   "[NATUROPATHY] NATUROPATHIC MEDICINE"

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

4           "**§455-1 Definitions.** As used in this chapter:

5           "Behavioral medicine" means therapy techniques including  
6 biofeedback, relaxation training, hypnosis, mindfulness-based  
7 stress reduction, and cognitive therapy.

8           "Board" means the board of [~~examiners in naturopathy.~~]  
9 naturopathic medicine.

10           "Common diagnostic procedures" means the use of  
11 venipuncture consistent with the practice of naturopathic  
12 medicine, commonly used diagnostic modalities consistent with  
13 naturopathic practice, taking of health history, physical  
14 examination, radiography, laboratory medicine, and obtaining  
15 samples of human tissue as authorized as a minor office  
16 procedure.

17           "Department" means the department of commerce and consumer  
18 affairs.

19           "Diagnosis" means using all recognized and accepted  
20 physical and laboratory diagnostic procedures including the  
21 taking of blood for diagnostic purposes.



1 "Disaster condition" means a sudden catastrophic event that  
2 overwhelms public order, causes loss of property or life, and  
3 exceeds or disrupts the capabilities of available medical  
4 resources to provide medical care within a community.

5 "Homeopathic" means minute doses of [natural medicine.]  
6 substances that have been highly diluted and shaken according to  
7 standardized pharmaceutical methods.

8 "Hygiene and immunization" means the use of preventative  
9 techniques including personal hygiene, asepsis, public health,  
10 and, to the extent allowed by rule, immunizations.

11 "Legend drug" means any drug falling within section  
12 503(b)(1) of the federal Food, Drug and Cosmetic Act and which  
13 is required to be labeled with the statement "Rx only."

14 "Manual manipulation" or "mechanotherapy" means  
15 manipulation of a part or the whole of the body by hand or  
16 mechanical means.

17 "Minor office procedures" means care and procedures  
18 relative to superficial lacerations, lesions, and abrasions, and  
19 the removal of foreign bodies located in superficial structures  
20 not including the eye; and the topical and parenteral use of  
21 substances consistent with the practice of naturopathic  
22 medicine, in accordance with rules established by the board.





1 ~~["Natural medicine" encompasses substances of botanical,~~  
2 ~~mineral, and animal origin, homeopathic preparations thereof,~~  
3 ~~and substances whose natural state has been improved by any~~  
4 ~~process that does not substantially alter the molecular~~  
5 ~~structure found in nature, including vitamins, minerals, and~~  
6 ~~amino acids; excluding prescription drugs, with the following~~  
7 ~~exceptions: vitamins, minerals, amino acids, and fatty acids.]~~

8 "Naturopathic formulary" means vitamins, minerals, dietary  
9 supplements, botanical medicines, homeopathic medicines,  
10 hormones, and those legend drugs consistent with naturopathic  
11 medical practice.

12 "Naturopathic medicine" means the practice of the art and  
13 science of diagnosis, prevention, and treatment of disorders of  
14 the body by support, stimulation, or both, of the natural  
15 processes of the human body. The practice of naturopathic  
16 medicine includes the prescription, administration, dispensing,  
17 and use of nutrition and food science, physical modalities,  
18 manual manipulation, parenteral therapy, minor office  
19 procedures, naturopathic formulary, hygiene and immunization,  
20 contraceptive devices, common diagnostic procedures, and  
21 behavioral medicine of the type taught in education and training  
22 at naturopathic medical colleges; provided that the use of



1 parenteral therapy and performance of minor office procedures  
2 shall not be allowed until the board adopts rules in accordance  
3 with chapter 91 pursuant to section 455-6.

4 "Naturopathic physician" means a person who holds a current  
5 license issued under this chapter to practice [~~naturopathy.~~]  
6 naturopathic medicine.

7 [~~"Naturopathy" means the practice of:~~

- 8 ~~(1) Natural medicine, natural therapeutics, and natural~~  
9 ~~procedures, for the purpose of removing toxic~~  
10 ~~conditions from the body and improving the quality,~~  
11 ~~quantity, harmony, balance, and flow of the vital~~  
12 ~~fluids, vital tissues, and vital energy; and~~
- 13 ~~(2) Diagnosing, treating, and caring for patients using a~~  
14 ~~system of practice that bases its treatment of~~  
15 ~~physiological functions and abnormal conditions on~~  
16 ~~natural laws governing the human body: utilizing~~  
17 ~~physiological, psychological, and mechanical methods,~~  
18 ~~such as air, water, light, sunshine, heat and cold,~~  
19 ~~earth, phytotherapy, physiotherapy, mechano-therapy,~~  
20 ~~naturopathic corrections and manipulation, and natural~~  
21 ~~methods or modalities, together with natural or~~  
22 ~~homeopathic medicines, natural foods, and herbs, and~~



1 ~~nature's remedies of the type taught in education and~~  
2 ~~training at naturopathic medical colleges. The~~  
3 ~~practice of naturopathy excludes surgery, application~~  
4 ~~of x-rays, and prescribing, dispensing, or using~~  
5 ~~prescription drugs except as provided for in the~~  
6 ~~definition of natural medicine.]~~

7 "Nutrition and food science" means the prevention and  
8 treatment of disease or other human conditions through the use  
9 of diet.

10 "Parenteral therapy" means the administration of substances  
11 by means other than through the gastrointestinal tract,  
12 including intravenous, subcutaneous and intramuscular injection.

13 "Physical modalities" means use of physical, chemical,  
14 electrical, and other means, including but not limited to heat,  
15 cold, air, light, including lasers, water in any of its forms,  
16 sound, massage, and therapeutic exercise.

17 "Radiography" means the ordering of radiographic diagnostic  
18 and other imaging studies, including but not limited to computed  
19 tomography scans, x-rays, magnetic resonance imaging, positron  
20 emission tomography scans, and ultrasounds. The term also means  
21 and includes the taking and interpreting of x-rays."



1 SECTION 4. Section 455-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person desiring to practice [~~naturopathy~~]  
4 naturopathic medicine shall be licensed under this chapter. To  
5 obtain a license under this chapter, a person shall submit a  
6 completed application prescribed by the board[~~7~~]; provide the  
7 information required under this chapter, rules of the board, and  
8 other applicable laws and rules[~~7~~]; and pay a nonrefundable  
9 application fee and other fees provided in rules adopted by the  
10 [~~director~~] department in accordance with chapter 91."

11 SECTION 5. Section 455-3, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§455-3 Education requirements.** Each applicant shall be a  
14 graduate of a school, university, or college of [~~naturopathy~~]  
15 naturopathic medicine that has received candidacy status with,  
16 or has been accredited by, a regional or a national accrediting  
17 body recognized by the United States Department of Education;  
18 provided that any applicant who graduated from a college of  
19 [~~naturopathy~~] naturopathic medicine prior to 1987 shall be  
20 deemed qualified if the college was approved by the board prior  
21 to 1987 and has been accredited by a regional or national



1 accrediting body recognized by the United States Department of  
2 Education."

3 SECTION 6. Section 455-4, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§455-4 State board of [~~examiners in naturopathy.~~]  
6 naturopathic medicine. The governor shall appoint the board of  
7 [~~examiners in naturopathy,~~] naturopathic medicine, consisting of  
8 five members. Each member shall serve until the member's  
9 successor is appointed and qualified. Three members of the  
10 board, before appointment, shall have been licensed as a  
11 naturopathic physician in the [~~State~~] state and two shall be  
12 public members. The members of the board may elect a  
13 chairperson and a vice-chairperson who shall each serve one year  
14 or until a successor is elected."

15 SECTION 7. Section 455-6, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§455-6 Powers and authority of the board. In addition to  
18 any other powers and duties authorized by law, the board may:

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

21 (2) Adopt, amend, or repeal rules in accordance with  
22 chapter 91 to carry out the purposes of this chapter;



1 provided that all rules shall be approved by the  
2 governor and the director of commerce and consumer  
3 affairs; and provided further that the rules:

4 (A) May forbid acts or practices deemed by the board  
5 to be detrimental to the accomplishment of the  
6 purpose of this chapter;

7 (B) Shall establish standards of practice, care, and  
8 ethics; and

9 (C) Shall establish the education and training  
10 requirements for parenteral therapy and the  
11 standards to administer parenteral therapy, and  
12 establish examination standards and require the  
13 passage of an examination on minor office  
14 procedures, which standards and requirements  
15 shall take effect after December 31, 2009;

- 16 (3) Develop standards for licensure;
- 17 (4) Issue, renew, suspend, and revoke licenses and fine  
18 licensees;
- 19 (5) Investigate and conduct hearings regarding any  
20 violation of this chapter and any rules of the board;
- 21 (6) Maintain a record of its proceedings; [~~and~~]



1        (7) Annually establish and publish a naturopathic  
2        formulary that has been approved by the board for  
3        prescription, administration, or dispensing by  
4        naturopathic physicians; and

5        [~~7~~] (8) Do all things necessary to carry out the  
6        functions, powers, and duties set forth in this  
7        chapter."

8        SECTION 8. Section 455-8, Hawaii Revised Statutes, is  
9        amended to read as follows:

10        "**§455-8 License to practice; biennial registration.**

11        Licenses to practice [~~naturopathy~~] naturopathic medicine shall  
12        be issued by the board to those who qualify according to this  
13        chapter. Naturopathic physicians licensed under this chapter  
14        shall observe and be subject to all state requirements relative  
15        to reporting births and all matters pertaining to the public  
16        health with equal rights and obligations as physicians,  
17        surgeons, and practitioners of other schools of medicine. These  
18        equal rights shall apply to all matters of public health,  
19        including the performance of medical examinations and  
20        evaluations. Every licensee shall renew the licensee's license  
21        on or before December 31 of each odd-numbered year. Failure to  
22        renew the license on or before December 31 of each odd-numbered



1 year shall automatically constitute a forfeiture of the license;  
2 provided that the license shall be restored upon written  
3 application therefor together with payment of the renewal fee,  
4 all delinquent fees, and a penalty fee."

5 SECTION 9. Section 455-9, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§455-9 Penalty.** Any person except a licensed  
8 naturopathic physician who practices, attempts to practice, or  
9 advertises the practice of [~~naturopathy,~~] naturopathic medicine,  
10 or any person who buys, sells, or fraudulently obtains any  
11 diploma or license to practice [~~naturopathy~~] naturopathic  
12 medicine whether recorded or not, or any person who uses the  
13 title "natureopath," [~~]~~ "naturopath," [~~]~~ "doctor of  
14 naturopathy," "doctor of naturopathic medicine," "naturopathic  
15 healthcare," "naturopathic physician," "naturopathic medicine,"  
16 "naturopathy," "naturopathic doctor," or "N.D.," [~~]~~ or any word  
17 or title to induce the belief that the person is engaged in the  
18 practice of [~~naturopathy~~] naturopathic medicine without  
19 complying with this chapter, or any person who violates this  
20 chapter, shall be fined a sum of not less than \$500 nor more  
21 than \$10,000 for each violation, which sum shall be collected in





1 a civil action brought by the attorney general or the department  
2 on behalf of the State."

3 SECTION 10. Section 455-11, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) In addition to any other actions authorized by law,  
6 the board shall have the power to deny, revoke, suspend, or  
7 refuse to renew any license to practice [~~naturopathy~~]  
8 naturopathic medicine applied for or issued by the board in  
9 accordance with this chapter, and to fine or otherwise  
10 discipline a licensee for any cause authorized by law, including  
11 but not limited to the following:

- 12 (1) Procuring, or aiding or abetting in procuring, a  
13 criminal abortion;
- 14 (2) Employing any person to solicit patients;
- 15 (3) Obtaining a fee on the assurance that a manifestly  
16 incurable disease can be permanently cured;
- 17 (4) Betraying a patient's confidence;
- 18 (5) Making any untruthful and improbable statement in  
19 advertising one's naturopathic practice or business;
- 20 (6) False, fraudulent, or deceptive advertising;
- 21 (7) Being habituated to the excessive use of drugs or  
22 alcohol; or being addicted to, dependent on, or an



- 1 habitual user of a narcotic, barbiturate, amphetamine,  
2 hallucinogen, or other drug having similar effects;
- 3 (8) Practicing [~~naturopathy~~] naturopathic medicine while  
4 the ability to practice is impaired by alcohol, drug,  
5 physical disability, or mental instability;
- 6 (9) Procuring a license through fraud, misrepresentation,  
7 or deceit or knowingly permitting an unlicensed person  
8 to perform activities requiring a license;
- 9 (10) Professional misconduct or gross carelessness or  
10 manifest incapacity in the practice of [~~naturopathy~~];  
11 naturopathic medicine;
- 12 (11) Conduct or practice contrary to recognized standard of  
13 ethics of the naturopathic profession;
- 14 (12) [~~Utilizing~~] Using medical service or treatment which  
15 is inappropriate or unnecessary;
- 16 (13) Submitting to or filing with the board any notice,  
17 statement, or other document required under this  
18 chapter which is false or untrue or contains any  
19 material misstatement of fact;
- 20 (14) Failure to report to the board any disciplinary action  
21 taken against the licensee in another jurisdiction



1 within thirty days after the disciplinary action  
2 becomes final;

3 (15) Using the title "physician" without clearly  
4 identifying oneself as being a naturopathic physician;  
5 [and]

6 (16) Prescribing, administering, and dispensing  
7 naturopathic formulary that are not included in the  
8 formulary established by the board under section 455-  
9 6; and

10 [~~16~~] (17) Violation of any [provisions] provision of this  
11 chapter or rules adopted under this chapter."

12 SECTION 11. The revisor of statutes shall replace the  
13 terms:

14 (1) "Board of examiners in naturopathy" or like terms,  
15 with "board of naturopathic medicine" or like terms;  
16 and

17 (2) "Naturopathy" or like terms, with "naturopathic  
18 medicine" or like terms,

19 as those terms appear in the Hawaii Revised Statutes.

20 SECTION 12. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 13. This Act shall take effect upon its approval;  
2 provided that sections 1, 2, and 3 shall take effect on  
3 January 1, 2010.

