
A BILL FOR AN ACT

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



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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;



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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: Will Espero BR



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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.

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