

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2194

Introduced by

Senators Unruh, Dever, Mathern

Representatives Boschee, Meier, Seibel

1 A BILL for an Act to create and enact section 43-58-11 of the North Dakota Century Code,
2 relating to the regulation of naturopaths; and to amend and reenact sections 43-58-01 and
3 43-58-08 of the North Dakota Century Code, relating to the regulation of naturopaths.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-58-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-58-01. Definitions.**

8 As used in this chapter, unless the context otherwise requires:

- 9 1. "Approved naturopathic medical college" means a college and program granting the
10 degree of doctor of naturopathy or naturopathic medicine which must require as a
11 minimum a four-year, full-time resident program of academic and clinical study and
12 which:
 - 13 a. Is accredited, or has the status of candidate for accreditation, by an organization
14 approved by the board, such as the council on naturopathic medical education; or
 - 15 b. Has been approved by the board after an investigation that determines that the
16 college or program meets education standards equivalent to those established by
17 the accrediting agency under subdivision a and complies with the board's rules.
- 18 2. "Board" means the state board of integrative health care created under chapter 43-57.
- 19 3. "Homeopathic preparations" means nonprescriptive substances prepared according to
20 the official homeopathic pharmacopoeia of the United States. ~~The term does not~~
21 ~~include prescriptive drugs.~~
- 22 4. "Licensee" means an individual licensed by the board under this chapter.
- 23 5. "Minor office procedures" means the methods for repair and care incidental to
24 superficial lacerations and abrasions, superficial lesions, and the removal of foreign

1 bodies located in the superficial tissues, cysts, ingrown toenails, skin tags, the
2 treatment and removal of warts, and the incision and drainage of boils. The term does
3 not include skin biopsies.

4 5-6. "Naturopath" means an individual licensed to practice naturopathic health care under
5 this chapter.

6 6-7. "Naturopathic health care", "naturopathic medicine", or "naturopathy" means a system
7 of primary health care practiced by naturopaths for the prevention, diagnosis, and
8 treatment of human health conditions, injury, and disease. The purpose of
9 naturopathic health care, naturopathic medicine, or naturopathy is to promote or
10 restore health by the support and stimulation of the individual's inherent self-healing
11 processes. This is accomplished through education of the patient by a naturopath and
12 through the use of natural therapies and therapeutic substances.

13 7-8. "Naturopathic physical application" means the therapeutic use by a naturopath of the
14 actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound,
15 ultraviolet light, hydrotherapy, and naturopathic manipulative therapy. The term does
16 not include manipulation of the spine.

17 9. "Surgical procedure" means structurally altering the human body by the incision or
18 destruction of tissues.

19 **SECTION 2. AMENDMENT.** Section 43-58-08 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **43-58-08. Practice of naturopathic health care.**

- 22 1. A naturopath may practice naturopathic medicine as a limited practice of the healing
23 arts as exempted under section 43-17-02. A naturopath may not:
- 24 a. ~~Prescribe~~Except as authorized under subsection 4, prescribe, dispense, or
25 administer any prescription drug;
 - 26 b. Administer ionizing radioactive substances for therapeutic purposes;
 - 27 c. ~~Perform~~Except as authorized under subsection 5, perform a surgical procedure;
28 or
 - 29 d. Claim to practice any licensed health care profession or system of treatment
30 other than naturopathic medicine unless holding a separate license in that

- 1 profession. A naturopath may not hold out to the public that the naturopath is a
2 primary care provider.
- 3 2. A naturopath may prescribe and administer for preventive and therapeutic purposes a
4 prescriptive device and the following ~~nonprescriptive~~ natural therapeutic substances,
5 drugs, and therapies:
- 6 a. Food, vitamins, minerals, dietary supplements, enzymes, botanical medicines,
7 and homeopathic preparations;
- 8 b. Topical drugs, health care counseling, nutritional counseling and dietary therapy,
9 naturopathic physical applications, and therapeutic devices; and
- 10 c. Barrier devices for contraception.
- 11 3. A naturopath may perform or order for diagnostic purposes a physical or orificial
12 examination, ultrasound, phlebotomy, clinical laboratory test or examination,
13 physiological function test, and any other noninvasive diagnostic procedure commonly
14 used by physicians in general practice and as authorized by the board.
- 15 4. A naturopath may prescribe or administer a prescription drug listed in a naturopathic
16 formulary established by a subcommittee of the board.
- 17 a. The subcommittee under this subsection must be made up of the following four
18 board members: the doctor of medicine or osteopathy, the naturopath, the
19 pharmacist, and the advanced practice registered nurse.
- 20 b. Except for endogenous anabolic androgenic steroids, the naturopathic formulary
21 may not include drugs classified in schedules I through IV of chapter 19-03.1.
- 22 5. A naturopath may perform minor office procedures.
- 23 6. A naturopath certified by the board for specialty practice may practice naturopathic
24 childbirth attendance.

25 **SECTION 3.** Section 43-58-11 of the North Dakota Century Code is created and enacted as
26 follows:

27 **43-58-11. Naturopathic childbirth attendance - Requirements for certification for**
28 **specialty practice.**

- 29 1. A naturopath may not practice naturopathic childbirth attendance unless certified by
30 the board for specialty practice.

- 1 2. The board shall adopt rules setting forth the requirements a naturopath must meet to
- 2 qualify for certification for the specialty practice of naturopathic childbirth attendance.
- 3 3. To qualify for certification for the specialty practice of naturopathic childbirth
- 4 attendance, a naturopath shall:
- 5 a. Successfully complete a three-year, didactic and clinical, certified professional
- 6 midwifery curriculum approved by the board.
- 7 b. Successfully complete a national standardized examination in midwifery
- 8 prescribed or endorsed by the board, such as the North American registry of
- 9 midwives.
- 10 c. Meet requirements established by the board by rule.