

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 803](#)

TITLE: Acupuncture

SPONSOR(S): Alvarez, J.

COMPANION BILL: [SB 1722](#) (Wright)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Health Professions & Programs](#)

16 Y, 1 N



[Health & Human Services](#)

21 Y, 0 N, As CS

SUMMARY

Effect of the Bill:

The bill revises the acupuncture practice act, which regulates the practice and licensure of acupuncture. The bill establishes an express scope of practice for the practice of acupuncture and updates outdated terminology throughout the practice act. The bill revises continuing education requirements for licensure renewal, requiring the Board of Acupuncture to approve certain education programs, and adds practice management to the list of subjects which may be included in continuing education courses.

Fiscal or Economic Impact:

None

[JUMP TO](#)

[SUMMARY](#)

[ANALYSIS](#)

[RELEVANT INFORMATION](#)

[BILL HISTORY](#)

ANALYSIS

EFFECT OF THE BILL:

Practice of Acupuncture

Scope of Practice

Current law does not expressly state the scope of practice for acupuncturists. The bill establishes the practice of [acupuncture](#) as the application of traditional Chinese medical concepts, anatomy and physiology, and modern eastern medical techniques using acupuncture and eastern medicine, and the exercise of prescriptive rights, to identify, evaluate and manage abnormal conditions, for the promotion, maintenance, and restoration of health. The express scope of practice includes, but is not limited to: (Section [1](#))

- Examination, evaluation and management, analysis, diagnosis, and treatment services; and
- The stimulation of points, areas of the body, and tissues within the body using acupuncture and Eastern medicine, herbal medicine therapies, nutritional substances, point injection, sterile solutions, qi, medical instruments, and other devices.

Current law gives acupuncturists certain [prescriptive rights](#), which authorize an acupuncturist to prescribe, administer, and use needles and other devices used in the practice of acupuncture and oriental medicine.¹ The bill expands a acupuncturist's prescriptive rights to include recommendation or ordering of, or administration of, herbs, homeopathics, and other nutritional supplements in sterile form in the practice of acupuncture and eastern medicine, unless otherwise prohibited by state or federal laws or regulations. (Section [1](#))

¹ S. [457.102\(7\).F.S.](#)

Under the bill, herbs and homeopathics, and other nutritional supplements in sterile form, include, vitamins, minerals, lipids, sugars, carbohydrates, amino acids. The bill's prescriptive authorization does not include ophthalmic or oral inhalation drugs in aqueous format, corticosteroids, antibiotics, vaccinations, botulinum toxin, controlled substances, medicinal drugs, or other medications not used for the practice of acupuncture. (Section [1](#))

[Licensure Requirements](#)

To obtain a license to practice acupuncture, an applicant must complete a 4-year course of study in acupuncture. Current law does not require the 4-year course of study to include courses on injection therapy.² The bill requires the required 4-year course of study to include 60 hours of study in injection therapy. (Section [2](#))

Current law does not provide an exception to the licensure requirement for acupuncturists licensed in other states who perform acupuncture procedures or demonstrations in Florida for educational purposes. The bill establishes an exception to the licensure requirement which allows an acupuncturist licensed in another state, the District of Columbia, or a possession or territory of the United States to perform acupuncture procedures or demonstrations for educational purposes at a continuing education program approved by the [Board of Acupuncture](#). (Section [2](#))

Current law provides [exceptions to the licensure educational requirement](#) of a four-year course of study for applicants who were enrolled in an acupuncture educational program prior to August 1, 1997, and for those who applied for licensure prior to July 31, 2001.³ Applicants who met these criteria were required to complete either a two-year or three-year acupuncture course study program, respectively.⁴ These exceptions are no longer applicable, as applicants applying for licensure to practice acupuncture after July 31, 2001, must complete a four-year course of study to obtain a license. The bill removes these outdated exceptions. (Section [2](#))

[Licensure Examination Fees](#)

Current law requires an applicant to submit a fee to DOH for licensure examination and reexamination and requires DOH to use these funds to purchase written and practical portions of the examination from a Board-approved national organization. Beginning November 1, 1999, DOH stopped administering and collecting fees for the examination and required applicants to apply directly to the National Certification Commission for Acupuncture and Oriental Medicine to take the exam.⁵ The bill removes the requirement that an applicant pay licensure examination and reexamination fees directly to DOH. (Section [2](#))

[Continuing Education](#)

Current law specifies all education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture are eligible for approval by the Board, but does not require Board approval. Current law also lists the subject matters that must be covered as part of the continuing education requirements for licensed acupuncturists.⁶ This list does not include courses on practice management.

The bill requires all continuing education programs to be approved by the Board and contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture. The bill also requires continuing education to include the study of practice management. (Section [3](#))

[Infection Control](#)

² Although not required in statute, Rule 64B1-4.001, F.A.C., requires all applicants to complete 60 hours of study in injection therapy as a requirement for licensure to practice acupuncture.

³ [s. 457.105\(2\)\(b\), F.S.](#), and Rule 64B1-4.001, F.A.C.

⁴ *Id.*

⁵ Florida Administrative Register, *Notice 2360609, regarding DOH Rules 64B1-2.005, F.A.C. Examination Fee*, available at https://flrules.org/Gateway/View_notice.asp?id=2360609, (last visited March 21, 2025). p

⁶ *Id.*

Current law requires the Board to adopt rules before November 1, 1986, relating to the prevention of infections.⁷ Current law also requires, effective November 1, 1997, the use of sterile, single-use, disposable acupuncture needles. The bill removes the outdated statutory language but maintains DOH rulemaking authority and the infection control requirements. (Section [4](#))

Terminology

The bill revises terminology used throughout the acupuncture practice act to align with modern nomenclature used to describe the practice. The bill deletes references to “oriental” medicine and replaces it with “eastern” medicine. Under the bill, “eastern medicine” is the use of a healing art that employs assessment, health history, physical examination, and the use of acupuncture diagnosis and diagnostic techniques, including referral for diagnostic imaging and clinical laboratory testing to evaluate, manage, and correct a condition using acupuncture, electroacupuncture, Qi Gong,⁸ eastern oriental massage, herbal therapy, dietary guidelines, acupoint injection, manual therapy, and other adjunctive therapies. (Sections [1](#))

The bill makes conforming changes. (Sections [2](#), [3](#), and [5](#))

The bill provides an effective date of July 1, 2025. (Section [6](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Acupuncture

Acupuncture is a form of primary health care based on traditional Chinese medical concepts and modern “oriental” techniques for the purpose of the promotion, maintenance, and restoration of health and the prevention of disease. Acupuncture involves the insertion of acupuncture needles and the application of moxibustion⁹ to specific areas of the human body, as well as the use of electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies.¹⁰

The [Board of Acupuncture](#) (Board), within the Department of Health (DOH), is responsible for the licensure and regulation of acupuncturists. The Board consists of seven members appointed by the Governor and confirmed by the Florida Senate. The board must include five licensed acupuncturists and two laypersons who have never been acupuncturists or members of a closely related profession.¹¹

Currently, there are 2,607 acupuncturists licensed to practice in Florida.¹²

Licensure of Acupuncture

Licensure Requirements

To be licensed to practice acupuncture, a person must apply to DOH and meet all of the following criteria:¹³

⁷ Chapter 86-265, L.O.F, established standards regarding infection control and required the Board to adopt rules, prior to November 1, 1986, relating to the prevention of infections. Also see [s. 457.1085, F.S.](#)

⁸ Qi Gong is the Chinese system of energy cultivation which uses posture, movement, exercises, breathing, meditation, visualization, and conscious intent to move, cleanse, or purify Qi (vital energy) to promote, maintain and restore health and to prevent disease.

⁹ Moxibustion is an external treatment based in traditional Chinese medicine. The practice involves the burning moxa, an herb, adjacent to specific acupuncture points. See, Deng, H., & Shen, X. *The mechanism of moxibustion: ancient theory and modern research*. (2013). Evidence-based complementary and alternative medicine <https://doi.org/10.1155/2013/379291>

¹⁰ S. [457.102\(1\), F.S.](#)

¹¹ S. [457.103, F.S.](#)

¹² DOH, *License Verification*, available at <https://mqa-internet.doh.state.fl.us/MQASearchServices/HealthCareProviders>, (last visited March 21, 2025).

¹³ S. [457.105\(2\), F.S.](#)

- Be at least 21 years of age, have good moral character, and the ability to communicate in English;
- Have completed 60 college credits from an accredited post-secondary institution;
- Have completed a four-year course of study in acupuncture and oriental medicine which meets the standards set by the Board and includes, at a minimum, courses in western anatomy, physiology, pathology, and biomedical terminology, first aid, and cardiopulmonary resuscitation (CPR);¹⁴ and
- Pay the required fees set by the Board.

In addition to meeting all of the criteria listed above, an applicant must also meet one of the following requirements:¹⁵

- Has successfully completed a board-approved national certification;
- Meets the requirements for licensure by endorsement;¹⁶ or
- Passes an examination administered by DOH.¹⁷

Current law provides [exceptions to the four-year course study educational requirements](#) for certain applicants for licensure. Under current law, to obtain a license to practice acupuncture an applicant who was not enrolled in an authorized course of study in acupuncture prior to August 1, 1997, and completed their educational requirements prior to July 31, 2001, must have completed a three-year course of study in acupuncture and oriental medicine.¹⁸ Applicants who were enrolled in an authorized course of study in acupuncture prior to August 1, 1997, must have completed a two-year course of study in acupuncture that met standards established by the Board and included, at a minimum, courses in western anatomy, physiology, and pathology.¹⁹ These exceptions are no longer applicable as all applicants applying for licensure after July 31, 2001, are required to complete an authorized four-year course study in acupuncture and oriental medicine to obtain a license to practice acupuncture.²⁰

Licensure by Endorsement

The Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act, authorizes licensure by endorsement for multiple professions, including the practice of acupuncture.²¹ Under the MOBILE Act, the Board of Acupuncture may grant a license to applicants seeking licensure by endorsement to any person who submits an application and meets the following requirements:²²

- Holds an active, unencumbered license issued by another state, the District of Columbia, or a territory of the U.S. in a profession with a similar scope of practice, as determined by the Board or DOH;
- Has obtained:
 - A passing score on a national licensure examination or holds a national certification recognized by the Board, or DOH if there is no board, as applicable to the profession for which the applicant is seeking licensure; or

¹⁴ Individuals who were enrolled in a course of study prior to August 1, 1997 were eligible for licensure upon completion of a two-year course of study which adhered to Board-established standards. Prior to July 31, 2001, individuals were required to have completed a three-year course of study in acupuncture oriental medicine to be eligible for licensure. See, [s. 457.105\(2\)\(b\), F.S.](#)

¹⁵ [S. 457.105\(2\), F.S.](#)

¹⁶ To obtain licensure by endorsement to practice acupuncture, a person must meet the requirements in [s. 456.0145, F.S.](#)

¹⁷ The National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination consisting of the Foundations of Oriental Medicine Module, the Acupuncture with Point Location Module, the Biomedicine Module and the Chinese Herbology Module is the Board-approved licensure examination. See, 64B1-3.004, F.A.C.

¹⁸ [s. 457.105\(2\)\(b\), F.S.](#), and Rule 64B1-4.001, F.A.C. Chapter 97-264, L.O.F., revised the acupuncture licensing requirements, which at the time, required individuals seeking licensure to complete a two-year tutorial program, a two-year course study process, or have five-years of experience to obtain a license. In lieu of those licensure requirements, applicants seeking licensure were required to complete a three-year course of study and after July 31, 2001, applicants were required to complete a four-year course of study.

¹⁹ *Id.*

²⁰ *Id.*

²¹ [s. 456.0145, F.S.](#)

²² [S. 457.107\(2\)\(c\), F.S.](#), and [s. 456.0145, F.S.](#)

- If the profession applied for does not require a national examination or national certification and the applicable Board, or the DOH, if there is no board, determines that the jurisdiction in which the applicant currently holds an active, unencumbered license:
 - Meets established minimum education requirements; and
 - The work experience, and clinical supervision requirements are substantially similar to the requirements for licensure in that profession in Florida;
- Has actively practiced the profession for at least three years during the four year period immediately preceding the application submission;
- Attests that he or she is not, at the time of application submission, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for reasons related to the practice of the profession for which he or she is applying;
- Has not had disciplinary action taken against him or her in the five years preceding the application submission application;
- Meets the financial responsibility requirements of [s. 456.048, F.S.](#), or the applicable practice act; and
- Submits a set of fingerprints for a background screening pursuant to [s. 456.0135, F.S.](#)

Licensure Fees

Licensure fees are set by the Board and may not exceed the following amounts:²³

- **Examination Fee:** \$500 plus the actual per applicant cost to DOH for the purchase of the written and practical portions of the examination from a Board-approved national organization;
- **Application Fee:** \$300;
- **Reexamination Fee:** \$500 plus the actual per applicant cost to DOH for purchase of the written and practical portions of the examination from a Board-approved national organization.
- **Initial Biennial Licensure Fee:** \$400, if licensed in the first half of the biennium, and \$200, if licensed in the second half of the biennium.

To receive a license to practice acupuncture, each applicant is required to pay \$405 in total fees. The fees are composed of three separate parts: an application fee (\$200); initial licensure fee (\$200); and an unlicensed activity fee (\$5).²⁴ The fees must be submitted at the time the application for licensure is received.²⁵

Prior to October 1999, DOH administered the written and practical examinations for licensure to practice acupuncture and collected the examination fees. After October 1999, DOH stopped administering, and collecting fees for, the examination and required applicants to apply directly to the National Certification Commission for Acupuncture and Oriental Medicine to take the exam.²⁶ DOH Rules 64B1-2.005, and 64B1-2.006, Florida Administrative Code (F.A.C), establishing examination and reexamination fees were repealed effective March 1, 2016.²⁷

Licensure Renewal and Continuing Education

Acupuncturists are required to renew their license to practice biennially. All licenses expire on February 28th, every even numbered year.²⁸ As a condition of licensure renewal, a licensed acupuncturist is required to complete a minimum of 30 hours of continuing education per biennium.²⁹ Continuing education programs must be in

²³ S. [457.105\(2\)\(d\), F.S.](#)

²⁴ Florida Board of Acupuncture, *Licensing and Registration*, available at <https://floridasacupuncture.gov/licensing/#tab-fees>, (last visited March 21, 2025).

²⁵ *Id.*

²⁶ Florida Administrative Register, *Notice 2360609, regarding DOH Rules 64B1-2.005, F.A.C. Examination Fee*, available at https://flrules.org/Gateway/View_notice.asp?id=2360609, (last visited March 21, 2025).

²⁷ Florida Administrative Register, *64B1-2.005, F.A.C., Examination Fee (Repealed)*, available at <https://flrules.org/gateway/RuleNo.asp?title=FEES&ID=64B1-2.005>, and *Rule 64B1-2.006, F.A.C., Re-Examination Fee (Repealed)*, at <https://flrules.org/gateway/RuleNo.asp?title=FEES&ID=64B1-2.006>, (last visited March 21, 2025).

²⁸ Florida Board of Acupuncture, *Licensing and Registration*, available at <https://floridasacupuncture.gov/licensing/#tab-fees>, (last visited March 21, 2025).

²⁹ S. [457.107, F.S.](#), and Rule 64B1-7.0015, F.A.C.

acupuncture or oriental medicine subjects, including, but not limited to, anatomy, biological sciences, adjunctive therapies, sanitation and sterilization, emergency protocols, and diseases.³⁰ The Board is responsible for evaluating and approving all continuing education courses.³¹

Qualifications for Presenters and Instructors of Continuing Education Programs

Each program offered for continuing education credit must be presented or taught by a person who at a minimum:³²

- Holds a bachelor's degree from an accredited college or university or a post-secondary education institution licensed by the State of Florida, with a major in the subject matter to be presented; or
- Has graduated from a school of acupuncture, or has completed a tutorial program which has a curriculum equivalent to the requirements in Florida and was approved by a state licensing authority, a nationally recognized acupuncture/oriental medicine association or a substantially equivalent accrediting body; and
 - Has completed three years of professional experience in the licensed practice of acupuncture; and
- Has a minimum of two years teaching experience in the subject matter to be presented, or
 - Has taught the same program for which approval is sought a minimum of three times in the past two years before a professional convention, professional group or at any acupuncture school, or
 - Has completed specialized training in the subject matter of the program and has a minimum of two years of practical experience in the subject.

Current law does not address the performance of acupuncture procedures or the demonstration of equipment or supplies by out-of-state licensed acupuncturists for educational purposes at Board-approved continuing education programs.

Practice of Acupuncture

An acupuncturist is a person licensed to practice acupuncture.³³ Current law does not expressly define the "practice of acupuncture" or outline the structure of practice for acupuncturists. Under current law, acupuncture is a form of primary health care, based on traditional Chinese medical concepts and modern oriental medical techniques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease.³⁴

Acupuncture includes, but is not limited to, the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body and the use of electroacupuncture, Qi Gong, oriental massage, herbal therapy, dietary guidelines, and other adjunctive therapies. Current law allows the Board discretion in defining these terms.³⁵

Current law describes an acupuncturist's prescriptive authority which authorizes an acupuncturist to prescribe, administer, and use needles and other devices used in the practice of acupuncture and oriental medicine.³⁶

Infection Control

The Board is authorized to adopt rules relating to the prevention of infection, the safe disposal of any potentially infectious materials, and other requirements to protect the health, safety, and welfare of the public.³⁷

Under current law, all acupuncture needles used on a patient must be sterile, single-use, and disposable.³⁸

³⁰ S. [457.107, F.S.](#)

³¹ Rule 64B1-6.005, F.A.C.

³² Rule 64B1-6.005, F.A.C.

³³ S. [457.102\(2\), F.S.](#)

³⁴ S. [457.102, F.S.](#)

³⁵ S. [457.102\(1\), F.S.](#); *see also*, 64B1-3.001, F.A.C.

³⁶ S. [457.102\(7\), F.S.](#)

³⁷ S. [457.1085, F.S.](#)

RECENT LEGISLATION:

| YEAR | BILL # | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION |
|------|----------------------------|------------------|----------------|-------------------|
| 2024 | CS/HB 1405 | Altman | Hooper | Died in House |

BILL HISTORY

| COMMITTEE REFERENCE | ACTION | DATE | STAFF DIRECTOR/ POLICY CHIEF | ANALYSIS PREPARED BY |
|--|---|-----------|------------------------------------|-------------------------|
| Health Professions & Programs Subcommittee | 16 Y, 1 N | 3/27/2025 | McElroy | Curry |
| Health & Human Services Committee | 21 Y, 0 N, As CS | 4/15/2025 | Calamas | Curry |
| THE CHANGES ADOPTED BY THE COMMITTEE: | <ul style="list-style-type: none">Revised the scope of practice for acupuncture.Expanded the licensure education requirements to require the 4-year course study in acupuncture to include 60 hours of study in injection therapy.Revised definitions of current terms. | | | |

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.