

AMENDED IN SENATE AUGUST 21, 2006

AMENDED IN SENATE JUNE 29, 2006

AMENDED IN ASSEMBLY MAY 15, 2006

AMENDED IN ASSEMBLY MAY 2, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3014**

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**Introduced by Assembly Member Koretz**

February 24, 2006

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An act to amend Section 4937 of the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

AB 3014, as amended, Koretz. Acupuncture: Asian massage.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of acupuncturists by the Acupuncture Board and authorizes the board to adopt regulations necessary to implement the act. Existing law authorizes the holder of an acupuncturist's license to engage in the practice of acupuncture and various other forms of treatment, including Asian massage. Existing law specifies that the act does not prohibit a person who is not a licensed acupuncturist or licensed healing arts practitioner from performing or prescribing Asian massage.

This bill would define Asian massage for purposes of that provision *as the use of pressure techniques, including myofascial release, or manual therapy, as specified. The bill would require the board to*

*adopt regulations, as specified, prior to January 1, 2008, defining myofascial release and manual therapy for those purposes.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4937 of the Business and Professions
- 2 Code is amended to read:
- 3 4937. An acupuncturist’s license authorizes the holder
- 4 thereof:
- 5 (a) To engage in the practice of acupuncture.
- 6 (b) To perform or prescribe the use of Asian massage,
- 7 acupressure, breathing techniques, exercise, heat, cold, magnets,
- 8 nutrition, diet, herbs, plant, animal, and mineral products, and
- 9 dietary supplements to promote, maintain, and restore health.
- 10 Nothing in this section prohibits any person who does not
- 11 possess an acupuncturist’s license or another license as a healing
- 12 arts practitioner from performing, or prescribing the use of any
- 13 modality listed in this subdivision.
- 14 (c) For purposes of this section, a “magnet” means a mineral
- 15 or metal that produces a magnetic field without the application of
- 16 an electric current.
- 17 (d) For purposes of this section, “plant, animal, and mineral
- 18 products” means naturally occurring substances of plant, animal,
- 19 or mineral origin, except that it does not include synthetic
- 20 compounds, controlled substances, or dangerous drugs as defined
- 21 in Sections 4021 and 4022, or a controlled substance listed in
- 22 Chapter 2 (commencing with Section 11053) of Division 10 of
- 23 the Health and Safety Code.
- 24 (e) For purposes of this section, “dietary supplement” has the
- 25 same meaning as defined in subsection (ff) of Section 321 of
- 26 Title 21 of the United States Code, except that dietary
- 27 supplement does not include controlled substances or dangerous
- 28 drugs as defined in Section 4021 or 4022, or a controlled
- 29 substance listed in Chapter 2 (commencing with Section 11053)
- 30 of Division 10 of the Health and Safety Code.
- 31 (f) For purposes of this section, “Asian massage” means the
- 32 use of pressure techniques, including myofascial release, or
- 33 manual therapy, as it relates to soft tissues, through massage and

1 mobilization of the skin and muscle for the therapeutic objective  
2 of stimulation of proper body function, so long as the pressure  
3 techniques or manual therapy are consistent with the training  
4 requirements specified in the board's regulations. *The board, in*  
5 *consultation with the State Board of Chiropractic Examiners and*  
6 *the Physical Therapy Board of California, shall define "manual*  
7 *therapy" and "myofascial release" for purposes of this*  
8 *subdivision. The definitions shall be set forth in regulations*  
9 *adopted by the board prior to January 1, 2008. This subdivision*  
10 *shall not in any way expand or restrict the scope of practice for*  
11 *acupuncturists as described in this chapter.*

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