

STATE OF NEW YORK

1564

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the
Committee on Higher Education

AN ACT to amend the education law, in relation to the practice of
acupuncture and certain exemptions

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 8216 of the education law is amended by adding a
2 new subdivision 9 to read as follows:

3 (9) (a) A person who does not otherwise possess the credentials or
4 qualifications required for the practice of acupuncture prescribed by
5 this article or the regulations promulgated hereunder or any other law
6 may engage in the practice of auriculotherapy, otherwise known as "ear
7 acupuncture", if such person:

8 (i) Has appropriate training in clean needle techniques;

9 (ii) Employs sterile, single-use needles, without reuse;

10 (iii) Does not purport to diagnose or treat any disease, disorder,
11 infirmity, or affliction;

12 (iv) Does not use any letters, words, or insignia indicating or imply-
13 ing that the person is an acupuncturist;

14 (v) Makes no statement implying that such person's practice of auricu-
15 lotherapy is licensed, certified, or otherwise overseen by the state;

16 (vi) Conducts the practice of auricular acupuncture only under the
17 general supervision of a person who is licensed to practice acupuncture
18 pursuant to this article. As used in this subdivision, "general super-
19 vision" includes, but is not limited to, availability of a licensed
20 acupuncturist by phone or other electronic means during business hours,
21 with at least one on-site visit by a licensed acupuncturist per year.

22 (b) Treatment by an auricular therapist pursuant to this subdivision
23 shall be strictly limited to the insertion of disposable sterile
24 acupuncture needles into, and limited only to, the ear. The application
25 or insertion of needles anywhere else on the body of another person by a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD05571-01-3

1 person described in paragraph (a) of this subdivision shall be consid-
2 ered engaging in the practice of acupuncture without a license.

3 (c) The department, in cooperation with the relevant professional
4 regulatory boards, shall monitor and evaluate whether persons engaging
5 in the practice of ear acupuncture pursuant to this subdivision and
6 employing such ear acupuncture as a therapeutic modality are doing so
7 safely, within their scopes of practice, and in a manner consistent with
8 the public health, safety, and welfare.

9 § 2. This act shall take effect immediately.