

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE DRH30348-LN-253 (3/29)**

Short Title: Consumer Health Freedom Act. (Public)

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Sponsors: Representatives Parmon, Johnson, Wiley, Harrison (Primary Sponsors);  
Luebke, Insko, and Farmer-Butterfield.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE CONSUMER HEALTH FREEDOM ACT FOR  
3 COMPLEMENTARY AND ALTERNATIVE FORMS OF HEALTH CARE  
4 SERVICES AND TO FACILITATE ACCESS TO ALTERNATIVE HEALTH  
5 CARE SERVICES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The General Statutes are amended by adding the following  
8 new Chapter to read:

9 "Chapter 90E.

10 "The Consumer Health Freedom Act.

11 **"§ 90E-1. Title.**

12 This Chapter shall be known and may be cited as 'The Consumer Health Freedom  
13 Act.'

14 **"§ 90E-2. Legislative findings and intent.**

15 The General Assembly finds that:

16 (1) As many as 3,300,000 North Carolinians presently receive a  
17 substantial volume of health care services from complementary and  
18 alternative health care providers.

19 (2) Currently the State does not issue licenses to many practitioners who  
20 provide these services in North Carolina, and while the General  
21 Assembly has enacted licensing laws that establish respective licensing  
22 boards for health care professions, there are many complementary and  
23 alternative health care modalities in widespread use by the population  
24 that do not require licenses.

25 (3) Notwithstanding the relative safety and widespread use of  
26 complementary and alternative health care services by North

1           Carolinians, the provision of many of these services may be in  
2           violation of G.S. 90-18, and as such, North Carolinians who are clients  
3           of these practitioners could lose access to the health care services of  
4           their choice.

5           (4) North Carolina residents make a conscious choice in seeking  
6           complementary and alternative health care services for their health  
7           care. Their concern is to have continued and improved access to these  
8           services and the availability of practitioners of homeopathy,  
9           naturopathy, herbalism, and many other alternative healing modalities.

10          (5) Therefore, by establishing this act, the General Assembly intends to  
11          remove the restriction on, and facilitate access of, North Carolina  
12          residents to complementary and alternative health care practitioners  
13          who are providing health care services not currently covered by  
14          existing medical licensing laws as these complementary and  
15          alternative health care services do not pose an undue risk to the health  
16          of North Carolina residents and restricting access to these services due  
17          to technical violations of the existing medical licensing laws is not  
18          warranted.

19          **"§ 90E-3. Definitions.**

20           The following definitions shall apply in this Chapter:

21           (1) Complementary or alternative health care service. – Health care  
22           services that include, but are not limited to: acupressure;  
23           aromatherapy; ayurveda; biofield therapy; cranial sacral therapy;  
24           culturally-based traditional healing practices; dance, music, and art  
25           therapy; energetic modalities; folk practices; practices utilizing food  
26           and dietary supplements; individual biological therapies, such as bee  
27           pollen, nutrients, and the physical forces of heat, cold, water, touch,  
28           and light; herbology or herbalism; homeopathy; therapeutic touch or  
29           bodywork; mind-body therapeutic practices; Native American  
30           medicine; naturopathy; polarity therapy; reiki; traditional Tibetan  
31           practices; and Qigong.

32           (2) Complementary and alternative health care services provided by  
33           unlicensed practitioners. – The broad domain of health care and  
34           healing therapies and methods that are not prohibited by G.S. 90E-4  
35           and are provided by a person who is not licensed, certified, or  
36           registered as a health care practitioner in this State.

37          **"§ 90E-4. Prohibited acts.**

38           A person who provides complementary and alternative health care services in  
39           accordance with this Chapter, but does not hold a license, permit, certification, or  
40           registration under Article 1 of Chapter 90 of the General Statutes, shall not be in  
41           violation of G.S. 90-18(c) for unlicensed practice or any other allied health occupation  
42           law for unlicensed practice unless the person engages in any of the following:

43           (1) Performs surgery or any other procedure that harmfully punctures the  
44           skin of a person except finger pricking for screening purposes.

- 1           (2)   Prescribes or administers X-ray radiation to any person.
- 2           (3)   Prescribes or administers a legend drug, a legend device, or controlled  
3           substance to any person.
- 4           (4)   Performs a chiropractic adjustment of an articulation of the spine.
- 5           (5)   Performs massage therapy, except for a practice already exempt from  
6           massage therapy violations.
- 7           (6)   Provides to a person a diagnosis or treatment of a health condition and  
8           as a result of these services willfully causes that person recognizable  
9           and imminent risk of significant physical or mental harm.
- 10          (7)   Holds himself or herself out, states, indicates, advertises, or implies to  
11          any person that the person is a physician, surgeon, or medical doctor or  
12          that he or she is licensed, certified, or registered by this State to  
13          practice a health care profession.

14   **"§ 90E-5. Disclosure.**

15       (a)   Any person providing health care services under the provisions of this  
16   Chapter who is advertising or charging a fee for those services shall, before providing  
17   the services, disclose to the client in a plainly worded written statement all of the  
18   following information:

- 19           (1)   The practitioner's name, business address, and telephone number.
- 20           (2)   That he or she is not a physician, surgeon, medical doctor, or other  
21           licensed health care professional and that he or she is not licensed,  
22           certified, or registered by the State of North Carolina.
- 23           (3)   The nature of the health care services to be provided.
- 24           (4)   The degrees, training, experience, credentials, or other qualifications  
25           of the practitioner regarding the health care services being provided.

26       (b)   Before a practitioner provides health care services to a client for the first time,  
27   the practitioner shall obtain a written acknowledgment from the client stating that the  
28   client has been provided with the information described in subsection (a) of this section.  
29   The practitioner shall provide the client with a copy of this written acknowledgment,  
30   and the person providing the services shall maintain a copy of the acknowledgement for  
31   a period of two years. If the disclosure information changes, the practitioner has a duty  
32   to repeat the initial requirements of this section if a client obtains services after the  
33   change.

34   **"§ 90E-6. Exemptions.**

35       (a)   This Chapter does not affect the scope of practice or prevent any activities of  
36   a licensed physician or surgeon or any other licensed health care professional.

37       (b)   This Chapter does not apply to, control, or prevent any health care practice  
38   from being practiced if it is already exempt from professional practice acts or State law.

39       (c)   This Chapter does not apply to, control, or prevent a person from providing  
40   health care services if the individual is already exempt from professional practice acts  
41   under that State law.

42   **"§ 90E-7. Remedies.**

1        Nothing in this Chapter shall limit the right of any person to seek relief for  
2 negligence or any other civil remedy against a person providing services under the  
3 provisions of this Chapter."

4                **SECTION 2.** This act becomes effective June 1, 2007.