

TRUTH IN ADVERTISING

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian E. Shiozawa

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the unprofessional conduct provisions of the Division of Occupational and Professional Licensing Act related to advertising by cosmetic medical facilities.

Highlighted Provisions:

This bill:

▶ prohibits the use of the term "medical" or similar terms by a facility that performs cosmetic medical procedures unless the facility has a doctor on the premises at least 75% of the time the facility is open.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-1-507, as enacted by Laws of Utah 2012, Chapter 362

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-1-507** is amended to read:

58-1-507. Cosmetic medical procedure -- Truth in advertising.

(1) Beginning July 1, 2013, a facility that performs a cosmetic medical procedure as



28 defined in Section 58-67-102 may not advertise or hold itself out to the public as a "medical
29 spa," "medical facility," ~~[or]~~ "medical clinic," or any other term that would reasonably lead a
30 person to believe that a person described under Subsection (1)(a)(ii) or (iii) is present at the
31 facility unless:

32 (a) the facility has an individual on the premises while a cosmetic medical procedure is
33 performed who is licensed under:

34 ~~[(1)]~~ (i) Chapter 31b, Nurse ~~[Practices]~~ Practice Act, as an advanced practice registered
35 nurse, practicing as a nurse practitioner;

36 ~~[(2)]~~ (ii) Chapter 67, Utah Medical Practice Act; or

37 ~~[(3)]~~ (iii) Chapter 68, Utah Osteopathic Medical Practice Act~~[-];~~ and

38 (b) the facility has an individual described in Subsection (1)(a)(ii) or (iii) on the
39 premises at least 75% of the time in which the facility is open for business.

40 (2) The division may adopt administrative rules to enforce this section in accordance
41 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Legislative Review Note
as of 2-26-13 4:57 PM

Office of Legislative Research and General Counsel