26 July 1946

Dr. A. W. Kuts-Cheraux, Vice President
Arizona Naturopathic Physicians
Board of Examiners
24 Main Street
Bisbee, A r i z o n a

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Dr. Kuts-Cheraux:

We have your letter of 29 June 1946, asking our opinion on the meaning and effect of Section 67-1212, A.C.A.n 1939, which reads as follows:

> "67-1212. Licentiates under this act shall observe and be subject to all state, county and municipal laws and regulations relating to public health the same as physicians of all other schools of healing licensed to practice in this state; for it is not the intention of the legislature to grant any special favors or privileges to any particular system or method of healing."

From a reading of this section it is apparent that it is not a grant of additional powers to naturopathic physicians and adds nothing to the definition of naturopathy in Section 67-1205. It renders them subject to public health regulations as are other schools of healing. The last clause of the section is designed to emphasize the Legislature's intent to bring all classes of healers, including naturopathic physicians, within the public health scheme.

With regard to the practice of certain county health officers' employment only of licentiates in medicine for the examination of food handlers, it is the opinion of this office that such practice is wholly within the discretion of the proper public officials prescribing such regulation. In Section 68-102, the State Board of Health is empowered, among other things, to prescribe regulations to prevent the spread of contagious diseases, and also to supervise the serveral boards of health of cities, towns and counties.

The State Board has adopted a set of "Rules and Regulations for the Control of Communicable Diseases", under date of 11 April 1943. Regulation 6 provides as follows:

> "No person can be employed to handle or prepare food until he has had a comprehensive examination by a licensed physician and surgeon and has been found freed from any communicable disease in an infectious stage."

Naturopathic physicians do not qualify under this regulation, for the examiner is required to be a physician and surgeon.

Very truly yours,

JOHN L. SULLIVAN
Attorney General

WILLIAM P. MAHONEY, Jr.
Assistant Attorney General

WPM:s

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