

**Opinion No. [30-58]**

June 13, 1930

**BY:** M. A. OTERO, JR., Attorney General

**TO:** Mr. J. C. Compton, District Attorney, Portales, New Mexico.

NATUROPATHY -- Practice of requires license if within definition of practice of medicine -- otherwise no license required.

Sec. 110-108, Code 1929.

**OPINION**

I have your favor of the 11th inst. inclosing communication which you received from Mr. I. R. Lamb of Tucumcari, New Mexico, desiring information relative to his right to practice "Naturopathy" in this State. In his letter to you, Mr. Lamb defines naturopathy as follows:

"The practice of Naturopathy consists of practical teaching of correct living habits in order to eradicate and make disease unnecessary."

You state that you have looked into the matter but are unable to find any law authorizing practice of this kind, and you ask me to advise you whether or not it would be authorized in the State of New Mexico.

In going into the subject, I have looked up the statutes of Florida, which state authorizes the practice of naturopathy, and I find in section 3469, Compiled Laws of Florida 1927, the following:

"3469. Naturopathy defined. -- For the purpose of this Chapter natureopathy and naturopathy shall be construed as synonymous terms and are hereby defined to mean the use and practice of psychological, mechanical and material health sciences to aid in purifying, cleansing and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, phycho-therapy, suggesto-therapy, hydrotherapy, zone-therapy, biochemistry, external applications, electrotherapy, mechano-theraphy, mechanical and electrical appliances, hygiene, first aid, sanitation and heliotherapy: \* \* \*

\*"

Turning now to section 110-108 of the New Mexico Code of 1929, we find the practice of medicine in this State to be defined as follows:

"Practice of medicine defined -- Exceptions. For the purposes of this act, the words 'practice of medicine' shall mean to open an office for such purpose or to announce to the public or any individual in any way, a desire or willingness or readiness to treat the sick or afflicted, or to investigate or to diagnose, or offer to investigate or diagnose any physical or mental ailment or disease of any person, or to suggest, recommend, prescribe or direct, for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure or relief of any wound, fracture or bodily injury or deformity, after having received, or, with the intent of receiving therefor, either directly or indirectly, any bonus, gift or compensation; \* \* \*"

The penalty for practicing medicine without a license in this State is provided for in section 110-110 of the Code of 1929.

From the definition of naturopathy, as given to you by Mr. Lamb in his letter, it would appear that the practice thereof is separate and distinct from the practice of medicine, in the ordinary acceptation of that term, and, since we have no legal definition of it in New Mexico, such as they have in Florida, we really have nothing before us except the word of Mr. Lamb on the subject. Incidentally, I have taken up this question with the state health authorities here in Santa Fe, and they tell me that they have no rules or regulations of any kind whatsoever relative to this naturopathy proposition.

Therefore, while it is quite apparent that there is no particular law authorizing the practice of naturopathy in New Mexico, still, at the same time, it would seem that there is no specific law against it, or at least I have not been able to find any such. Such being the case, I should say that as long as he confines himself to "naturopathy", as he himself defines it, he probably will not come under the jurisdiction of the Medical Board and incur the penalties prescribed in section 110-110 of the Code.

On the other hand if, in the practice of naturopathy, Mr. Lamb should carry on in such a manner as to come within the legal definition of the practice of medicine, as set forth above, then of course he would very likely subject himself to the penalty provided by our laws for the practice of medicine without a license.

With kind personal regards, believe me,