

A Comparison of Federal and State Regulation of Homeopathy



Understanding Federal and State Regulation of Homeopathy

The key difference between federal and state regulation of homeopathy can be summarized as follows:

States regulate health care practitioners and the federal government regulates the products used by health care practitioners to treat their patients.

This division of responsibilities is seen in all health-related professions including conventional medicine and dentistry and complementary and integrative health practices such as chiropractic, acupuncture, and homeopathy.

For example, the FDA has approved acupuncture needles as Class II medical devices meaning they are considered safe and effective. Acupuncturists are governed by laws specifically regulating acupuncture practice [in 47 states](#). Three states—Alabama, Oklahoma and South Dakota—have no acupuncture practice law.

The majority of practitioners using homeopathic medicines in the United States are naturopathic doctors. Naturopaths are regulated by law in [25 jurisdictions](#) including 22 states, Puerto Rico, the U.S. Virgin Islands and the District of Columbia.

Many medical doctors treat patients using homeopathic medicines. These medical doctors are, of course, regulated by medical boards in all 50 states and in the various U.S. territories and jurisdictions.

Federal vs State Jurisdiction: A Good Rule of Thumb

In health-related matters a good rule of thumb is that federal regulation applies across state borders. State regulation applies within state borders. So, it makes sense that drugs which cross state borders are subject to federal oversight because they fall within Congress's explicit constitutional power under the commerce clause to regulate commerce "among the several states." Since health care practitioners practice in a specific locale within a state, it is logical that they are regulated by the various states.

The same can be said for many products produced and sold within a single state. For example, [cottage food laws](#) in some states allow individuals (who often turn out to be farmers) to sell homemade canned and baked goods directly to consumers at farmers' markets and other venues. Because these goods do not cross state lines, the FDA does not have jurisdiction. Generally, state health departments administer cottage food laws for their respective states.