

CHAPTER 845—H. F. No. 682

An act relating to the practice of massage; amending Minnesota Statutes 1965, Sections 148.33; 148.34; 148.35; 148.36; 148.37; 148.41; 148.43; 148.45; 148.46; 148.47; 148.48; 148.51; and 148.511; repealing Minnesota Statutes 1965, Sections 148.38; 148.39; 148.40; 148.42; and 148.44.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 148.33, is amended to read:

148.33 Practice of massage; registration; definitions. As used in sections 148.33 to 148.51, the term "massage" means the ~~method, art, or science of treating the human body for hygienic or remedial purposes exclusively by~~ rubbing, stroking, kneading, tapping, or rolling the ~~same of the body with the hands, or by~~ *same of the body* with the hands, ~~or by~~ rubbing, stroking, kneading, tapping, or rolling the body with any other agency or instrumentality for the purpose ~~exclusive purposes~~ of relieving, alleviating, and reducing affected parts thereof ~~relaxation, physical fitness, or beautification, and for no other purposes;~~ *relaxation, physical fitness, or beautification, and for no other purposes;* the term "masseur" means a male person, and the term "masseuse," a female person, who practices massage; the term "board" means the state board of medical examiners, as the same now is or hereafter may be constituted by law; the term "~~license~~" "*registration*" means a certificate issued by the board authorizing the holder thereof to practice massage in this state; ~~the phrase "accredited school" or "accredited institution" means one approved by the board;~~ *the phrase "accredited school" or "accredited institution" means one approved by the board;* the word "~~reducing,~~" as used hereinbefore, shall not be interpreted to include reducing a fracture or a dislocation.

Sec. 2. Minnesota Statutes 1965, Section 148.34, is amended to read:

148.34 Massage distinguished. The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic, *physical therapy*, or podiatry and persons duly licensed ~~or registered~~ in this state to practice medicine, surgery, osteopathy, chiropractic, *physical therapy*, or podiatry, nurses who work solely under the direction of any such persons, athletic directors and trainers are hereby expressly excluded from the provisions of sections 148.33 to 148.51. Beauty culturists; ~~and bath parlor attendants~~ who do not give, or hold themselves out to give, massage treatments, as defined herein, other than is customarily given in such shops or places of business, for the purpose of beautification only, shall be exempt from the provisions of sections 148.33 to 148.51.

Changes or additions indicated by italics, deletions by strikeout.

Sec. 3. Minnesota Statutes 1965, Section 148.35, is amended to read:

148.35 **Operators registered.** No person shall for, or in expectation of, any fee, gift, compensation, or reward of any kind, engage in, or hold himself out as being engaged in, the practice of massage within this state, without having a *license being registered* therefor as provided in sections 148.33 to 148.51.

Sec. 4. Minnesota Statutes 1965, Section 148.36, is amended to read:

148.36 **Registration, by whom issued.** The state board of medical examiners shall *issue licenses register persons* to practice massage only to *persons if they are* qualified therefor under the provisions of sections 148.33 to 148.51 after *an examination interview* as therein provided, upon application in manner and form as prescribed by the board and payment thereto of a fee of \$25. *Licenses Registrations* may be renewed by the board without *an examination interview* upon application and payment of a renewal fee of \$3; *and* Licenses issued pursuant to existing law and outstanding at the time of the passage of *sections 148.33 to 148.51 this act* are hereby continued in force and effect until *the same shall expire May 31, 1967*, unless sooner revoked by the board, as provided for in sections 148.33 to 148.51, and shall be renewed *as a registration* by the board without *an examination interview* upon application and payment of a renewal fee of \$3 *before May 31, 1967*, except as in sections 148.33 to 148.51 otherwise provided. Application for renewal of *license a registration* shall be made to the board on or before *May December* thirty-first of each year and accompanied by the renewal fee of \$3. The board, in *is its* discretion, may, *without examination*, upon the payment of a fee of \$50, *issue a license to register* any person qualified to practice massage in any other state or territory whose requirements for such practice are equivalent to the requirements of this state therefor. *Licenses Certificates of registration* shall be in such form as the board shall by rule prescribe, specify the name, residence, and business location of the *licensee registrant*, and state that he is authorized to practice massage in this state; *licenses they* shall bear the date of issuance and the date of expiration thereof, be signed by the president and the secretary-treasurer of the board, and bear its official seal. All *licenses registrations* shall expire on *May December* thirty-first next after the issuance thereof, unless sooner revoked as provided in sections 148.33 to 148.51.

Sec. 5. Minnesota Statutes 1965, Section 148.37, is amended to read:

Changes or additions indicated by italics, deletions by strikeout.

148.37 **Qualifications of applicants.** Any person of good moral character who is 21 years of age or over and who has completed a course of study in an accredited high school or who has completed the equivalent of such course of study to the satisfaction of the state board of medical examiners and, in addition to these requirements, has received a diploma or certificate of graduation from an accredited school of massage; or, in lieu of such diploma or certificate, has received credits in the subjects of anatomy, physiology, dermatology, histology, and massage from an accredited educational institution *possesses the necessary educational or practical qualifications therefor, as determined by an interview administered by the board,* shall be eligible for examination ~~registration~~ under the provisions of sections 148.33 to 148.51, otherwise he shall be ineligible therefor; and, if upon such examination, he shall have a general average of not less than 75 percent in the subjects in which he is examined and not less than 60 percent in any one of such subjects; he shall be qualified for a license hereunder, otherwise he shall be unqualified therefor.

Sec. 6. Minnesota Statutes 1965, Section 148.41, is amended to read:

148.41 **Registrations, suspended or revoked.** The state board of medical examiners may by order suspend, revoke, or refuse to renew any license *registration* issued under sections 148.33 to 148.51 or heretofore and ~~cause the cancellation and removal therefrom from the records of the office of the clerk of the district court wherein the same is recorded,~~ upon the grounds of:

(1) Fraud or deception in connection with the securing of such license *registration*;

(2) Habitual drunkenness or intemperance in the use of ~~narcotics or stimulants~~ *drugs, including but not limited to narcotics as defined in either 26 U.S.C.A., section 4731, or Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamine, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;*

(3) Conduct unbecoming to a person ~~licensed~~ *registered* to practice massage or inimical to the best interests of the public;

(4) Violation of any of the provisions of sections 148.33 to 148.51; or

(5) Conviction of a crime involving moral turpitude.

Before the board shall order any such suspension, revocation, or refusal to renew, the holder thereof shall be entitled to a written

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statement of the charge against him and accorded a hearing in person or by attorney before the board and be entitled to have witnesses in his behalf subpoenaed by the board. ~~In case of suspension or revocation of, or refusal to renew, a license, the order of suspension or revocation or refusal to renew, as the case may be, shall forthwith be filed by the board with the clerk of the district court of the county wherein the license is recorded and the clerk shall note the suspension, revocation, or refusal to renew on his record of the license. No license shall be issued to any person whose license has been revoked nor to any person whose license the board has refused to renew until after the expiration of one year from the date of the revocation or refusal to renew; provided, that any such person pay to the secretary-treasurer of the board the sum of \$25 upon issuance of a new license.~~

A registration to practice massage is suspended if (1) a guardian of the person of a registrant is appointed by order of a probate court pursuant to Minnesota Statutes, Sections 525.54 to 525.612, for reasons other than the minority of the registrant; or (2) the registrant is committed by order of a probate court pursuant to Minnesota Statutes, Sections 525.75 to 525.79, or 526.09 to 526.11. The registration remains suspended until the registrant is restored to capacity by a court and, upon petition by the registrant, the suspension is lifted by the board after a hearing.

Sec. 7. Minnesota Statutes 1965, Section 148.43, is amended to read:

148.43 Duties of secretary-treasurer. The secretary-treasurer of the state board of medical examiners shall keep a record of all proceedings of the board and a register of all applicants for ~~examination~~ *registration*, setting forth the names of such applicants, together with their addresses, ages, educational qualifications, and the results of their ~~examinations~~ *interviews*. He shall perform such other duties as may be required by law or by the board. Such records and registers of the board shall at all times be open to public inspection and shall be prima facie evidence in all courts and legal proceedings within the state of matters therein recorded.

Sec. 8. Minnesota Statutes 1965, Section 148.45, is amended to read:

148.45 Fees placed in fund. All fees and moneys payable under the provisions of sections 148.33 to 148.51 shall be paid to the secretary-treasurer of the state board of medical examiners and he shall forthwith deposit the same with the state treasurer ~~to be kept by him in a separate fund as provided in Minnesota Statutes,~~

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Section 147.05, which shall be under the control and for the use of the board in the administration of sections 148.33 to 148.51. The amount of such fund is hereby annually appropriated to the board for the purpose of defraying its expenses in carrying out the provisions of sections 148.33 to 148.51. The compensation and expenses of members of the board, herein provided for; and the compensation and expenses of all persons employed by the board hereunder, shall be paid out of this fund; in addition, the fund shall be available to, and may be used by, the board to defray the expenses of keeping proper records and registers, furnishing licenses herein provided for, employing inspectors for procuring evidence of any violation of sections 148.33 to 148.51, aiding in the enforcement thereof, and for such other expenses and purposes as may be deemed necessary by the board to carry out the provisions of sections 148.33 to 148.51. The expenditures of the board, together with the obligations created or incurred thereby, shall at no time exceed the amount of the fund in the treasury available hereunder for the use of the board. Payments out of this fund shall be made only upon written orders issued and signed by the secretary-treasurer of the board. The secretary-treasurer shall give bond to the state in such sum as the board shall determine, with sureties approved by the board, conditioned upon the faithful performance by him of the duties of his office and his accounting for all moneys of the board in his custody or under his control as such secretary-treasurer.

Sec. 9. Minnesota Statutes 1965, Section 148.46, is amended to read:

148.46 Use of certain titles forbidden. No person licensed *registered* to practice massage under the provisions of sections 148.33 to 148.51 shall attach to his name or in any way use the title of doctor, physician, surgeon, specialist, M.D., M.B., D.O., D.C., or any other word, abbreviation or title indicating, or designed to indicate, that he is engaged in the practice of healing, as defined in section 146.01, or any practice other than massage, unless he is duly licensed for such practice within this state according to law. No person licensed *registered* under the provisions of sections 148.33 to 148.51 to practice massage shall in, by, or through any newspaper, magazine, directory, pamphlet, poster, card, circular, or other writing or publication, or by any advertisement state or represent either directly or indirectly that he has cured, can cure, or guarantees to cure, or that he has successfully treated, any disease, injury, defect, deformity, ailment, or affliction.

Sec. 10. Minnesota Statutes 1965, Section 148.47, is amended to read:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

148.47 Application. Chapter 146 shall not apply to persons ~~licensed~~ *registered* under sections 148.33 to 148.51, so long as such persons confine their activities within the scope of such ~~license~~ *registration*.

Sec. 11. Minnesota Statutes 1965, Section 148.48, is amended to read:

148.48 Prosecutions. In the prosecution of any person for violation of sections 148.33 to 148.51, it shall not be necessary to allege or prove want of a valid ~~license~~ *registration* to practice massage, as required by sections 148.33 to 148.51, but all such matters shall be matters of defense to be established by the accused.

Sec. 12. Minnesota Statutes 1965, Section 148.51, is amended to read:

148.51 Cancellation of registration in certain cases. Any person implicated in employing fraud or deception in applying for or securing a ~~license~~ *registration* to practice massage under sections 148.33 to 148.51, or in the interview therefor, *or who practices massage for any purpose other than relaxation, physical fitness, or beautification*, shall be guilty of a gross misdemeanor. It shall be the duty of the clerk of the district court wherein any conviction is had under this section to file a certified copy thereof with the secretary-treasurer of the board and thereupon the secretary-treasurer shall cancel such ~~license~~ *registration* upon the records of his office ~~and forthwith notify the respective clerks of the courts wherein such license is recorded of such cancellation; and such clerks shall immediately note such cancellation on their respective records thereof.~~ For filing a certified copy of any conviction as herein required the clerk of court shall charge a fee of \$1.

Sec. 13. Minnesota Statutes 1965, Section 148.511, is amended to read:

148.511 Violation. Subdivision 1. Any person not hereinbefore excepted from the provisions of sections 148.33 to 148.51 who shall engage or attempt to engage in the practice of massage as defined in section 148.33, or hold himself out as being engaged therein, without ~~having recorded his license to practice massage in the manner therein provided; or without displaying his registration certificate to practice massage as therein provided,~~ shall be guilty of a misdemeanor.

Subd. 2. Any person not hereinbefore excepted from the provisions of sections 148.33 to 148.51 who shall engage or attempt to engage in the practice of massage, as defined in section 148.33,

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or hold himself out as being engaged therein, in violation thereof, without a valid existing *license registration* to practice massage issued to him pursuant to the provisions thereof, shall be guilty of a gross misdemeanor.

Sec. 14. **Repealer.** *Minnesota Statutes 1965, Sections 148.38, 1948.39, 148.40, 148.42, and 148.44, are repealed.*

Approved May 24, 1967

CHAPTER 846—H. F. No. 704

An act relating to municipal courts; amending Minnesota Statutes 1965, Section 488A.10, Subdivision 4.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 488A.10, Subdivision 4, is amended to read:

Subd. 4. **Hennepin county; municipal court; tab charges.** When a person charged with violating a *criminal law the violation of which is punishable as a misdemeanor, or a municipal ordinance, charter provision, rule or regulation* is brought or voluntarily appears before the court without process, the clerk shall enter upon the records a brief statement of the offense charged. This brief statement stands in place of a complaint, but if any judge so orders, *or if requested by the person charged* a formal complaint shall be made and filed.

Approved May 24, 1967.

CHAPTER 847—H. F. No. 717

[Not Coded]

An act relating to tax levies for general revenue purposes in Carver county.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Carver county; general revenue levy.** The county board of Carver county may levy taxes for general revenue purposes at such rate and in such amount in excess of existing limi-

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