

## CHAPTER 50—H. F. No. 110.

*An act defining and regulating maternity hospitals.*

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

**Section 1. Maternity hospital defined.**—Any person who receives for care and treatment during pregnancy or during delivery or within ten days after delivery, more than one woman within a period of six months, except women related to him or her by blood or marriage, shall be deemed to maintain a maternity hospital. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the state board of control or its officers or agents.

**Sec. 2. Licensed by board of control.**—The state board of control is hereby empowered to grant a license for one year for the conduct of any maternity hospital that is for the public good and that is conducted by a reputable and responsible person; and it shall be the duty of the board of control to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of this act and all other laws of the state relating to children so far as the same are applicable and to safeguard the well-being of all infants born therein, and the health, morality and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining a license to conduct such hospital from said board of control. No such license shall be issued unless the premises are in fit sanitary condition. The license shall state the name of the licensee, designate the premises in which the business may be carried on, and the number of women that may be properly treated or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women shall be kept at any one time on the premises for which the license is issued than is authorized by the license and no woman shall be kept in a building or place not designated in the license. A record of the license so issued shall be kept by the board of control, which shall forthwith give notice to the state board of health and to the local board of health of the city, village or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of the issuance thereof. The state board of control may, after due notice and hearing, revoke the license in case the person to whom the same is issued violates any of the provisions of this chapter, or when, in the opinion of said board, such maternity hospital is maintained without due regard to sanitation and hygiene, or to the health, comfort or well-being of the inmates or infants born to such inmates or in case

of the violation of any law of the state in a manner disclosing moral turpitude or unfitness to maintain such hospital or that any such hospital is conducted by a person of ill repute or bad moral character.

Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the board upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the board may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision, a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the board should not be confirmed, amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined. In case of the revocation of a license, the board shall make a notation thereof upon its records and give written notice of such revocation to the licensee by delivery of a copy of the order of revocation to the licensee, or leaving a copy thereof with a person of suitable age and discretion living upon the premises. In case of revocation the board of control shall also notify the state board of health and the local board of health of the city, village or town in which the hospital is situated.

Sec. 3. Disposition of children.—No person, as an inducement to a woman to go to any maternity hospital during confinement, shall in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out as being able to dispose of children in any manner.

Sec. 4. Board of control to prescribe forms.—The state board of control may prescribe forms for the registration and record of persons cared for in any such hospital, and the licensee shall be entitled to receive gratuitously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of a maternity hospital shall keep a record in the form to be prescribed by said board, wherein shall be entered the true name of every patient, to-

gether with all her places of residence during the year preceding admission to said hospital, the name and address of the physician or midwife who attended at each birth taking place at such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child, and such other information as will be within the knowledge of the licensee and as the board shall prescribe.

**Sec. 5. Physician or midwife to make report.**—Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee owning or conducting such hospital shall within twenty-four hours after a birth occurs therein, make a written report thereof to the state board of control, giving the name of the mother, the sex of the child and such additional information as shall be within the knowledge of the licensee and as may be required by the board. The licensee owning or conducting any such hospital shall immediately after the death in a maternity hospital of a woman, or an infant born therein or brought thereto, cause notice thereof to be given to the local board of health of the city, village or town in which such hospital is located.

**Sec. 6. Inspection of hospitals.**—The officers and authorized agents of the state board of control, and of the state board of health and the local board of health of the city, village or town in which a licensed maternity hospital is located, may inspect such hospital at any time and examine every part thereof. The officers and agents of the state board of control may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such hospital and patients and infants therein; and the said officers and authorized agents of the state board of control shall visit and inspect such hospitals at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein.

**Sec. 7. Information as to legitimacy of child.**—Whenever a woman, who within ten days after delivery of a child, or a woman who is pregnant, is received for care in a maternity hospital, the licensee of such maternity hospital or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate and if there is reason to believe that such child is illegitimate, or will be when born illegitimate, such licensee shall report to the state board of control forthwith the presence of such woman, together with such other information as shall be within the knowledge of the licensee and as the board may require.

Sec. 8. Disclosure of contents.—No officer or authorized agent of the state board of control, state board of health or the local boards of health of the city, village or town where such licensed hospital is located, or the licensee of such a hospital, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such hospital, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest or before some other tribunal, or for the information of the state board of control, state board of health or the local board of health of the village, city or town in which said hospital is located. Provided, however, that nothing herein shall prohibit the board of control, with the consent of any patient in such hospital, disclosing such facts to such proper persons as may be in the interest of such patient or the infant born to her.

Sec. 9. Burden of proof.—In a prosecution under the provisions of this act or any penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself, shall have the burden of proof.

Sec. 10. Violation a gross misdemeanor.—Every person who violates any of the provisions of this act shall upon conviction of the first offense be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

Sec. 11. This act shall take effect and be in force from and after its passage.

Sec. 12. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved September 22, 1919.

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#### CHAPTER 51—H. F. No. 111.

*An act relating to the custody of children by persons other than the parents or relatives of such children; regulating and prescribing certain conditions to be observed by persons authorized by law to secure homes for or care for children; the adoption of such children; the bringing into or taking out of the state of children for the purpose of placing out or procuring the adoption of any such child, and imposing on and granting to the board of control certain duties and powers with reference thereto.*

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

Section 1. Placing out—Records.—Every person permitted by law to receive, secure homes for or otherwise care for children, shall keep a record containing the names, ages and former residences of all children received; the names, former residences, occupations and character so far as known of the parents; the