

defray the cost of permanently improving state trunk highways (which said bonds the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921) is hereby authorized to issue and sell the bonds of such county in an amount not to exceed one-tenth of one percent of the assessed valuation of the taxable property of the county not including the valuation of monies and credits, for the purpose of constructing and/or improving, or aiding in the construction and/or improvement, of roads and/or bridges within such county, and roads and/or bridges outside of such county leading into such county, and roads and/or bridges on the line between such county and any adjoining county.

**Sec. 2. Bonds—maturity.**—Whenever the board of county commissioners of any such county shall deem it advisable to construct and/or improve any such road or roads and/or bridges thereon, it may by resolution or resolutions duly adopted issue and sell the bonds of such county to defray the cost thereof, within the provisions of this act. The principal of such bonds shall mature and be payable in not more than fifteen annual installments as nearly equal as practicable, and the first annual installment of principal shall mature not more than two years after the bonds are issued. Such bonds shall be sold in the manner provided by Section 1943, General Statutes of 1923. The county board of such county is authorized to determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the county board; provided, however, that the rate of interest shall in no case exceed five per cent per annum. The full faith and credit of the county shall be pledged to the payment of the principal and interest of such bond.

**Sec. 3. Tax levy.**—The county board of any such county issuing bonds under the provisions of this act shall annually, after the issuance of such bonds, levy or cause to be levied a tax upon the taxable property of such county in addition to all other taxes levied, in an amount corresponding to the amounts of principal and interest on such bonds falling due from year to year.

**Sec. 4.** This act shall be in force from and after its passage. Approved April 9, 1927.

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#### CHAPTER 149—S. F. No. 892

*An act to define the terms "Basic Sciences," "Practicing Healing" and "Practice of Healing," as used herein; to regulate within*

*the state the practice of healing as so defined, prescribe the terms and conditions upon which the same may be pursued and prohibit all persons from in any manner engaging therein within the state, except in compliance with such terms and conditions; to establish a State Board of Examiners in the "Basic Sciences" as defined herein, define its powers, prescribe its duties, provide for the appointment of its members and fix their terms and compensation; and in certain respects, defining the powers and prescribing the duties of boards for any branch or system of healing, now existing or hereafter established, and of certain other officers; and providing for the enforcement of this act and penalties for its violation.*

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

**Section 1. Basic sciences—definitions.**—Wherever the term "Basic Sciences" is used in this Act and not otherwise specifically defined, the same shall be understood and construed to mean and include all matters pertaining to anatomy, physiology, pathology, bacteriology, hygiene and after 1931 chemistry so far as the same relates to the human system or mind as generally treated in each or all of said subjects. Wherever the term "Practicing Healing" or "Practice of Healing" is used in this Act unless otherwise specifically defined, the same shall be understood and construed to mean and include any person not hereinafter excepted from the provisions of this Act who shall in any manner for any fee, gift, compensation or reward or in expectation thereof, engage in, or hold himself out to the public as being engaged in, the practice of medicine or surgery, the practice of osteopathy, the practice of chiropractic, the practice of any legalized method of healing or the diagnosis, analysis, treatment, correction or cure of any disease, injury, defect, deformity, infirmity, ailment or affliction of human beings or any condition or conditions incident to pregnancy or childbirth or examination into the fact, condition or cause of human health or disease, or who shall, for any fee, gift, compensation or reward or in expectation thereof, suggest, recommend or prescribe any medicine or any form of treatment, correction or cure therefor; also any person or persons, not hereinafter excepted from the provisions of this Act individually or collectively who maintains an office for the reception, examination, diagnosis or treatment of any person for any disease, injury, defect, deformity or infirmity of body or mind, or who attaches the title of Doctor, physician, surgeon, Specialist, M.D., M.B., D.O., D.C., or any other word, abbreviation or title to his name indicating or designed to indicate that he is engaged in the practice of healing.

**Sec. 2. Board of examiners created.**—There is hereby created and established a board to consist of five members, citi-

zens of the State of Minnesota, to be known and designated as the State Board of Examiners in the Basic Sciences.

**Sec. 3. Composition of board.**—The State Board of Examiners in the Basic Sciences shall consist of five members, viz: Two full-time paid professors or associate or assistant professors who are not actively engaged in the practice of healing, who shall be appointed as hereinafter provided from the University of Minnesota or any University or college in Minnesota accredited by the University of Minnesota, one doctor of medicine and surgery, one doctor of osteopathy and one doctor of chiropractic each of whom shall have practiced his respective profession in this state for a period of at least five years prior to his appointment. The State board of examiners of each of said professions shall recommend to the Governor one or more persons for his consideration in making appointments to said state board of examiners in the Basic Sciences.

**Sec. 4. Governor to appoint—terms.**—The governor, by and with the advice and consent of the Senate, shall appoint a State Board of Examiners in the "Basic Sciences." The first appointments shall be made as soon as may be after this Act shall take effect. The terms of office of the members first appointed shall begin when they are appointed and qualify and shall continue thereafter for the following periods: Two members until April 1, 1929; two members until April 1, 1931; and one member until April 1, 1933. Upon the expiration of such terms and of all terms thereafter, the governor shall appoint a successor to the member whose term expires for a term of six years. Vacancies in said Board shall be filled by appointment by the governor within thirty days after such vacancy occurs for the balance of the un-expired term and each member shall serve until his successor qualifies. Each member of the Board before entering upon the discharge of his duties shall take, subscribe and file with the Secretary of State the oath of office prescribed by the Constitution.

**Sec. 5. Organization of Board—duties.**—Within thirty days after the appointment of the members of the State Board of Examiners in the Basic Sciences provided for in Section 4 of this Act they shall assemble and organize by the election from their members of a president, a vice-president and a secretary-treasurer, who shall each serve for one year or until their successors are elected and qualified. Said Board shall have authority to prescribe such reasonable rules and regulations relative to the examination of applicants in the Basic Sciences as may be found necessary for the performance of its duties. As to any matters coming under its jurisdiction the Board in session may take such testimony as it may deem necessary in the exercise of its powers and the performance of its duties

under the provisions of this Act, and any member of said Board shall have the power to administer oaths in the taking of such testimony. Three members of the Board shall constitute a quorum for the transaction of business. Said Board shall have a common seal which shall be kept by the secretary, whose duty it shall be to keep a record of all proceedings of said Board including the register of all applicants for examination therein, preserving the names, addresses, ages, educational qualifications and the result of their examination, which shall at all times be available for inspection by any parties in interest. Said Board shall meet at the University of Minnesota and there conduct examinations in the Basic Sciences four times each year respectively, on the first Tuesday in January, April, June and October, and may hold other meetings at such times and places as the Board shall determine. Said Board may appoint and fix the salaries of an Assistant Secretary and such other employees and shall have power to employ such expert assistant or assistants as it may deem necessary to carry out the purposes of this Act. Such employees shall hold their positions at the pleasure of the Board. The compensation of each member of said Board shall be \$15.00 for each day actually spent in the performance of his duties together with actual necessary expenses, payable out of the funds of the Board.

**Sec. 6. Examinations—fees.**—Any person not hereinafter excepted from the provisions of this act desiring to practice healing in this state shall apply to the secretary of the State Board of Examiners in the Basic Sciences, on blank forms prepared and furnished by said Board, to be examined in the Basic Sciences at the next examination therein following the making of such application and for a certificate of registration in the Basic Sciences, accompanying such application with a fee of \$15.00 and sufficient and satisfactory proof that the applicant is 21 years of age or over, is of good moral character and has an education equivalent to graduation from an accredited high school of this state, provided that no applicant shall be required nor requested to disclose in such application the professional college or university he may have attended nor the branch or system of healing which he intends to pursue. Examinations shall be in the Basic Sciences only and may be both written and by demonstration or other practical test, as the Board may determine.

**Sec. 7. Certificate of registration.**—If in such examination the applicant attains a grade of 75% in each subject he shall receive a certificate of registration in the Basic Sciences, signed by the president and secretary and sealed with the seal of said Board. If he fails in one or two subjects only, he may be re-examined in the subject or subjects in which he failed, at any

examination within one year without further application or examination fee, and upon attaining a grade of 75% therein, he shall receive his certificate of registration in the Basic Sciences. If he fails in three or more of the subjects, he may make a new application for examination in all subjects and again pay the secretary-treasurer of said Board the examination fee of \$15.00.

**Sec. 8. Who must secure licenses.**—Any person not hereinafter excepted from the provisions of this Act who was lawfully authorized to practice healing, as by this Act defined, in this state on the date this Act takes effect, and who was on that date regularly licensed or registered in the manner then by law provided, shall, upon application as herein provided, receive from the State Board of Examiners in the Basic Sciences a certificate of registration in the Basic Sciences without examination therein; provided, however, that on or before October 1, 1927, every such person shall apply to the secretary of said Board for such certificate of registration, accompanying such application with sufficient and satisfactory evidence that he was, on the date of the passage of this Act, lawfully authorized to practice healing or regularly licensed or registered according to law in the particular branch or system of healing by him pursued and specifying in said application the branch or system of healing pursued by the applicant, the school from which he graduated, if any, and the date of graduation from said school together with a fee of Three Dollars. Such certificate of registration shall recite that registration is made solely as a person lawfully authorized to practice healing or licensed or registered according to law on the date this Act takes effect, and that same was issued without examination in the Basic Sciences. Any person entitled to a certificate of registration in the Basic Sciences without examination therein pursuant to the provisions of this section who fails to apply for same in the manner herein provided shall not receive such certificate of registration except upon an application for examination and actual examination in the Basic Sciences as hereinafter provided; provided, however, said State Board of Examiners in the Basic Sciences may after the first day of October, 1927, in its discretion upon payment to it of a fee of \$25.00, issue a certificate of registration in the Basic Sciences without examination to any person who would have been entitled thereto pursuant to the provisions of this section upon applying therefor on or before the first day of October, 1927, and who makes application therefor in the manner herein provided and shows good cause why said application was not made on or before the first day of October, 1927.

**Sec. 9. Applicants from other states need not take examination in certain cases.**—The State Board of Examiners in the

Basic Sciences may issue a certificate of registration in the Basic Sciences without examination therein to an applicant who presents sufficient and satisfactory evidence of having passed examinations in the Basic Sciences as defined by this Act before the National Board of Medical Examiners or a legal examining board or officer of another state or of a foreign country, if the standards of such other state or foreign country are determined by said Board to be as high as those of this state, and if such other state or foreign country shall be then according a like privilege to persons licensed to practice healing under the authority of the laws of this state, and who presents sufficient and satisfactory proof that he is 21 years of age or over and of good moral character, accompanying the application with a fee of \$25.00 to the secretary-treasurer of said Board.

**Sec. 10. Certificates to be recorded.**—Every person holding a certificate of registration under this Act shall have it recorded within 30 days after the issuance thereof in the office of the Clerk of the District Court of the county in which he resides, and whenever he shall change his place of residence to another county, he shall again record such certificate in the office of the clerk of the District Court of such county, and the clerk shall, in each case, write or stamp thereon the date of such recording. The clerk of the District Court shall keep in a book provided for such purpose by the county and open to the public inspection a complete list of such certificates of registration in the Basic Sciences recorded by him and his predecessors in office, including the date of the issue of each certificate of registration, the name of the person therein and the date of the recording thereof. For each such recording the clerk of the District Court shall receive from the person named in the certificate of registration a fee of One Dollar. After such recording the certificate of registration shall be conspicuously displayed by the holder thereof in the office or place where he pursues the practice of healing.

**Sec. 11. Fees to be deposited in State Treasury—annual reports.**—All fees received by the State Board of Examiners in the Basic Sciences under this Act shall be paid to the secretary-treasurer thereof, who shall forthwith deposit the same with the State Treasurer, to be kept in a separate fund, which shall be under the control, and for the use, of said Board. All expenditures of said Board and all expenses necessarily paid or incurred thereby, in the exercise of its powers or the performance of its duties under this Act shall be paid out of said fund. Payments out of said fund shall be made only upon written orders issued and signed by the president and secretary-treasurer of said Board. Such secretary-treasurer shall give a bond to the State of Minnesota 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. No expense shall be incurred by said Board in excess of the revenue derived from such fees. The secretary-treasurer of said Board shall, on or before August 1 of each year, file with the Governor a report of all receipts and disbursements and proceedings of said Board for the preceding fiscal year.

**Sec. 12. Applicant need not take two examinations.**—No examining board for any branch or system of healing, now existing or hereafter established, shall admit to its examinations or license, or register any applicant for examination by such Board unless such applicant first presents to its a certificate of registration in the Basic Sciences. Any such board shall not require of the applicant another examination in any of the Basic Sciences.

**Sec. 13. Annual registration—fees.**—Every person not hereinafter excepted from the provisions of this Act authorized to practice healing in this state shall in the month of January of each year register with the Secretary of the particular Board of Examiners which examined and registered or licensed him to practice that branch or system of healing which he pursues; and shall at said time for the purpose of making such registration send to such secretary in writing signed by him, his name, the name of the place and the address at which he is engaged in the practice of healing, and pay to said secretary respectively for the years 1928 and 1929, a fee of \$5.00, and thereafter for each year a fee of \$2.00. Any person who shall change the address or place, at which he practices healing during the year shall forthwith notify such secretary in writing of such change, giving such new address or place. The secretary of each board of examiners shall keep a proper register of all such persons and to each person so registering the proper board shall issue a certificate for the current year, signed by the president and secretary and sealed with the seal of such board, setting forth his name, the name of the place and the address at which he is engaged in the practice of healing, and the branch or system of healing by him pursued. Any person not hereinafter excepted from the provisions of this act lawfully entitled to engage in the practice of healing in this state after the month of January in any year and who shall not be registered as provided in this section, shall, within thirty days after first so engaging in the practice of healing, register with the proper examining board in the manner herein provided and pay to the

secretary of such board the fee above required, and shall receive from such board a certificate as above prescribed for the balance of such year. Every person receiving a certificate as herein provided shall display the same in a conspicuous place in the office or other corresponding place where he pursues the practice of healing. All fees received by the secretary of any examining board for registration required by this section shall be available to and may be used by such board to defray the expenses of keeping proper registers, furnishing the certificates herein provided for, employing an inspector or inspectors for procuring evidence of any violation of the law or laws administered thereby and aiding in the enforcement of such law or laws and for such other expenses as may be necessarily paid or incurred in the exercise of its powers or performance of its duties as provided by law.

**Sec. 14. Several examining boards to certify to basic sciences board.**—(On or before the first day of March in each year, the secretaries of the several examining boards shall certify to the Secretary of the State Board of Health of the State of Minnesota, under the hand of the president and secretary and the seal of the particular examining board, a list of all persons registered with said Board for the current year. The secretary of each of the several examining boards of this state shall, within 60 days after any examination conducted by his examining board, certify in writing to the Secretary of the State Board of Health in the manner prescribed, a list of all persons admitted or licensed by his board to practice healing in this state and whose names have not been previously so certified to the Secretary of said State Board of Health in the then current year. Within thirty days after receiving from the secretaries of the several examining boards any of the lists of persons lawfully engaged in the practice of healing in this state as by this section provided, the State Board of Health of the State of Minnesota shall cause such lists to be printed and a copy thereof to be sent to each city, village, or district health officer and each sheriff and county attorney in the state.

**Sec. 15. Boards not to discriminate.**—The several boards or other officers whose duty it shall be to administer or carry into effect the provisions of this Act shall, while exercising such authority, in no manner discriminate against any system or branch of healing or against any high school, or college or university accredited by the University of Minnesota wherein any applicant may have received the preliminary education by this Act required.

**Sec. 16. Exceptions.**—Nothing in this Act shall be construed to prohibit any person from giving treatment by massage as defined by Chapter 69, Session Laws of 1927; provided that such persons are duly licensed under the provisions

of Chapter 69, Session Laws of 1927, or prohibit any person from using any antiseptic, germicide, or disinfectant prescribed by the state or local board of health of the State of Minnesota for the prevention of the spread of communicable diseases, nor from using antidotes or rendering gratuitous service in case of emergency, nor shall this Act apply to nurses, midwives, dentists, optometrists, chiroprodists, barbers, cosmeticians, Christian Scientists, nor to any person giving treatment or administering any cure or attempted cure, exclusively by mental or spiritual means nor to manufacturers or distributors of orthopedic appliances, the manufacture or sale of drugs, medicines or poisons by a registered pharmacist or a registered assistant pharmacist, so long as those who are hereby excepted from the provisions of this Act confine their activities within the scope of their respective licenses which they or either of them may now have or may hereafter procure or, if not licensed, so long as they confine their activities within the ordinary scope of said occupations respectively; nor shall this Act apply to physicians and surgeons of the United States Army or Navy or United States Public Health Service or other officials or employees of the United States while acting in the performance of their duties, nor to legally qualified physicians of other states called in consultation, nor shall this Act apply to scientific, sanitary, or teaching personnel employed by the State University, the State Department of Education, or by any public or private school, college or other bona fide educational institution, or the State Department of Health, whose duties are entirely of a public health or educational character while engaged in such duties.

**Sec. 17. Violation a gross misdemeanor.**—Any person not hereinbefore excepted from the provisions of this Act who shall after October 1, 1927, practice or attempt to practice healing as in this Act defined in the State of Minnesota without a valid existing certificate of registration in the Basic Sciences issued to him pursuant to the provisions of this Act, shall be guilty of a gross misdemeanor.

**Sec. 18. Certain acts misdemeanors.**—Any person not hereinbefore excepted from the provisions of this Act who shall practice healing or attempt to practice healing in this state without having recorded his certificate of registration in the Basic Sciences in the manner herein provided, or without having registered with the examining board in the system or branch of healing by him pursued as herein provided, or without displaying his certificate of registration in the Basic Sciences and his certificate of annual registration with the proper board of examiners as herein provided, shall be guilty of a misdemeanor.

**Sec. 19. Certain acts gross misdemeanors.**—Any person implicated in employing fraud or deception in applying for or securing a certificate of registration in the Basic Sciences, or in passing any examination therefor, or in registering annually under this Act, shall be guilty of a gross misdemeanor. It shall be the duty of the Clerk of the Court wherein any conviction is had under this section to file a certified copy thereof with the proper board and thereupon the secretary of such board shall cancel such certificate upon the records of his office and forthwith notify the respective clerks of the courts wherein such certificate 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 the court shall charge a fee of One Dollar.

**Sec. 20. Same.**—Any secretary of any examining board who shall fail to certify to the secretary of the State Board of Health of the State of Minnesota the lists of persons registered with the examining board of which he is the secretary as and within the time by this Act required, shall be guilty of a misdemeanor.

**Sec. 21. Prosecutions.**—In the prosecution of any person for violation of this Act as specified in Section 17 or Section 18 hereof, it shall not be necessary to allege or prove want of a valid certificate of registration in the Basic Sciences, or failure of the accused to record his certificate of registration or to register with the examining board in the system or branch of healing by him pursued, as required by this Act, but all such matters shall be matters of defense to be established by the accused.

**Sec. 22. Acts supplementary.**—This Act is supplementary to existing laws and not a repeal thereof except in so far as the provisions of existing laws may be inconsistent with the provisions hereof; provided, however, that this Act shall not operate to supplement, repeal, modify or in any way affect existing laws regulating the professions exempted by Section 16 of this Act.

**Sec. 23. Provisions severable.**—The various provisions of this Act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provisions hereof.

**Sec. 24. Effective May 1, 1927.**—This Act shall take effect and be in effect from and after May 1, 1927.

Approved April 12, 1927.

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#### CHAPTER 150—S. F. No. 893

*An act to amend Section 1120, General Statutes 1923, relating to the extending of village boundaries in certain cases.*