

**Sec. 4. Dairy and Food Commissioner to enforce act.**—The dairy and food commissioner shall enforce the provisions of this act and in so doing shall have all the power and authority with relation thereto that is conferred upon him by Chapter 495, Laws 1921, known as the Minnesota Dairy and Food Law, and the provisions of section 43 of said chapter shall be deemed a part thereof in the enforcement of this act and the accomplishment of its purposes.

**Sec. 5. Enforcement.**—It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act to cause appropriate proceedings to be instituted and to be prosecuted in the proper courts without delay for the enforcement as in such cases herein provided. All fines imposed and paid hereunder shall be paid into the state treasury.

**Sec. 6. Law repealed.**—Chapter 271, Laws 1925 is hereby repealed.

Approved April 14, 1927.

#### CHAPTER 188—H. F. No. 1164.

*An act to amend Sections 5706, 5707, 5709 and 5717 and to repeal Section 5708, General Statutes 1923, relating to the examination and licensing of physicians and surgeons.*

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

**Section 1. Board of Medical Examiners.**—That Section 5706 General Statutes 1923 be and the same hereby is amended so as to read as follows:

*"5706. There shall be created a State Board of Medical Examiners which shall consist of seven qualified resident physicians appointed by the Governor, within 60 days after this act shall take effect, in the manner hereinafter prescribed. 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: One member until May 1, 1928; one member until May 1, 1929; one member until May 1, 1930; one member until May 1, 1931; one member until May 1, 1932; one member until May 1, 1933; and one member until May 1, 1934. Upon the expiration of such terms respectively, the Governor shall appoint a successor to the member whose term expires for a term of seven years and until his successor shall have qualified. For each of the above terms of the first Board to be appointed hereunder, the Council of the Minnesota State Medical Association shall recommend to the Governor three physicians qualified to serve on said Board and the Governor may make the appointment for each term from the list of persons so recommended. Each year thereafter*

said Council of the Minnesota State Medical Association, at least 30 days prior to the expiration of the term expiring in such year shall recommend to the Governor three physicians qualified to serve on said Board and from the list of persons so recommended the Governor may appoint one member to said Board for the above prescribed term of seven years. Within 60 days after the occurrence of any vacancy in said Board, said Council of the Minnesota State Medical Association shall recommend to the Governor of the state three physicians qualified to serve on said Board and from the list of persons so recommended the Governor, within 30 days after receiving such recommendation, may appoint one member to said Board for the unexpired term occasioned by such vacancy, and any appointment thereto to fill a vacancy shall be made within ninety days after the occurrence of such vacancy for the balance of the unexpired term. The Board shall elect from among their number 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 rules and regulations relative to the examination of applicants for license to practice medicine, surgery and obstetrics as may be found necessary. The members of said Board shall have authority to administer oaths and the Board in session to take testimony as to matters pertaining to the duties of the Board. Five 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 the Board, including a register of all applicants for license under this act giving their names, addresses, ages, educational qualifications, and the result of their examination. Said books and registers shall be prima facie evidence of all the matters therein recorded. Said Board shall hold examinations at the seat of government on the third Tuesday in January, April, June and October of each year, and at such other times and places as it shall deem necessary. The members of the State Board of Medical Examiners heretofore appointed and now holding office shall continue in office until the appointment and qualification of members of such Board as herein provided."

Sec. 2. Examination and license.—That Section 5707 General Statutes 1923 be and the same hereby is amended so as to read as follows:

"5707. A person not already authorized to practice medicine in the state, and desiring so to do, shall apply to the secretary of the board for examination, and pay a fee of 20 dollars for the use of the board, which in no case shall be refunded. At a time appointed, or at the next regular examination, he shall prove that he has completed four entire sessions of not less than 36 weeks at a medical school recognized by the board, and has received

*the degree of M. D. or M. B.*, or, if such attendance was prior to the year 1899, three sessions shall suffice. He shall be examined in *surgery, medicine, obstetrics, eye, ear, nose and throat*, and such other branches as the board shall deem advisable. After such examination; the board, if *five* members thereof consent, shall grant him a license to practice medicine. The examination shall be both scientific and practical, and shall thoroughly test the fitness of the candidate. The board may refuse to grant a license to, or may revoke the license of, any person guilty of immoral, dishonorable, or unprofessional conduct, but subject to the right of the applicant to appeal to the district court in the proper county on the questions of law and fact.

*The words 'immoral, dishonorable or unprofessional conduct' as used in this section shall mean: (a) Procuring, aiding or abetting a criminal abortion; (b) advertising in any manner either in his own name or under the name of another person or concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper or document, professional superiority to or greater skill than that possessed by fellow physicians and surgeons, or the positive cure of any disease, or the curing of venereal diseases, the restoration of 'lost manhood,' the treatment of private diseases peculiar to men or women, or the advertising or holding himself out to the public in any manner as a specialist in diseases of the sexual organs, or diseases caused by sexual weakness, self abuse, or excessive indulgences, or the advertising of any medicine or any means whatever whereby the monthly periods of women can be regulated or the menses re-established, or being employed by or in the service of any person, concern, actual or pretended, so advertising, or in any manner creating a fear of private diseases; (c) The obtaining of any fee, or offering to accept a fee on the assurance or promise that a manifestly incurable disease can be or will be cured; (d) willfully betraying a professional secret; (e) habitual indulgence in the use of drugs; (f) conviction for willfully violating any narcotic law; (g) conviction of offense involving moral turpitude; (h) conviction of a felony."*

**Sec. 3. May license without examination physician passed by National Board of Medical Examiners.**—That Section 5709 General Statutes 1923 be and the same hereby is amended so as to read as follows:

"5709. That the state medical examining board, either with or without examination, may grant a license to any physician licensed to practice by a similar board of another state or the National Board of Medical Examiners, and who holds a certificate of registration showing that an examination has been made by the proper board in which an average grade of not less than seventy-five (75) per cent was awarded to the holder thereof,

the said applicant and holder of such certificate having been at the time of said examination the legal possessor of a diploma from a medical college in good standing in this state, which said diploma may be accepted in lieu of an examination as evidence of qualification. In case the scope of said examination was less than that prescribed by this state the applicant may be required to submit to an examination in such subjects as have not been covered. The fee for such examination shall be \$75.00.

A certificate of registration or license issued by the proper board of any state may be accepted as evidence of qualification for registration in this state; provided, the holder thereof was at the time of such registration the legal possessor of a diploma issued by a medical college in good standing in this state and that the date thereof was prior to the legal requirements of the examination test in this state.

Sec. 4. **Practicing without license.**—That Section 5717 General Statutes 1923 be and the same hereby is amended so as to read as follows:

“5717. Every person not heretofore authorized by law so to do who shall practice medicine in the state without having obtained the license herein provided for, and every person who shall so practice contrary to any provision of this subdivision, shall be guilty of a *gross* misdemeanor. Any person shall be regarded as practicing within the meaning of this subdivision who shall append the letters M.D. or M.B. to his name, or for a fee prescribe, direct or recommend for the use of any person, any drug, or medicine or other agency for the treatment or relief of any wound, fracture, or bodily injury, infirmity or disease; provided this section shall not apply to *persons legally authorized to practice healing or excepted from the practice of healing in this state so long as they confine their activities within the scope of their respective licenses, nor to persons who endeavor to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.*”

Sec. 5. **Law repealed.**—That Section 5708 General Statutes 1923 be and the same hereby is repealed.

Approved April 14, 1927.

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#### CHAPTER 189—H. F. 1190.

*An act to transfer to the commissioner of agriculture the duties imposed upon the public examiner under the provisions of Sections 6079 to 6113 inclusive, known as “The Co-operative Marketing Act,” which act relates to the organization and operation of certain co-operative associations.*

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