

dollars, or imprisoned for not more than three years, or both fined and imprisoned in the discretion of the court.

Sec. 7. Exemptions.—This act shall not apply to any isolated sale not made or occurring in the course of repeated or successive sales; nor to any judicial sale, or any transaction lawfully ordered, authorized, or approved by any court in the due course of its proceedings; nor to any sale to any bank, savings institution, trust company, insurance company, or licensed broker.

Sec. 8. Definitions.—As used in this act the words "person," "sale," "sell," "sold," "broker," "agent," and any other word or words requiring a definition thereof, shall mean the same as in Chapter 192, Laws 1925, commonly known as the blue sky law.

Sec. 9. Construction in certain cases.—Any transaction involving or relating to oil or gas lands, or lands represented to contain or be a prospect for oil or gas, or any interest in or under such lands, or royalties therefrom, which comes within the purview of the blue sky law, being Chapter 192, Laws 1925, as now existing or hereafter amended, shall be controlled by said blue sky law; but any transaction or offense fairly coming within the provisions of both said blue sky law and this act may be dealt with by the commerce commission, or prosecuted by the proper public officers, under either of said laws.

Sec. 10. Inconsistent acts repealed.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed so far as necessary to give full force and effect to this act.

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

Approved March 25, 1927.

CHAPTER 69—H. F. No. 60

An act defining and regulating the practice of massage in the State of Minnesota, creating a State Board of Massage Examiners and prescribing penalties for the violation of the provisions thereof.

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

Section 1. Definitions.—Within this act "massage" shall mean a method, art or science of treating the human body for remedial or hygienic purposes by rubbing, stroking, kneading, tapping or rolling same for the purpose of relieving, alleviating or reducing the affected parts thereof.

The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiroprac-

tic, or chiropody and such licensed practitioners together with nurses who work solely under the direction of duly licensed doctors, and athletic directors and trainers, are hereby expressly excluded from the provisions of this act. It is further provided that beauty culturists, barbers and bath parlor attendants who do not give or hold themselves out to give a massage treatment as defined by this act other than is customarily given in such shops or places of business for the purpose of beautification only, shall not be subject to the provisions hereof. "Masseur" is a male person, and "Masseuse" is a female person who practices the art of science of massage. The word "registered" as used under this act shall mean granted a license to practice massage. The word "certificate" as used in this act shall mean certificate of license to practice massage in the state of Minnesota. The word "license" as used in this act shall mean the permission granted by the board of massage examiners to practice massage in this State.

Sec. 2. State Board of Examiners established.—A state board of massage examiners is hereby established. Said board shall consist of five resident practitioners, who shall have practiced the art or science of massage in this state for at least five years, appointed by the governor, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years from the date of his or her appointment, and until their successors are appointed and qualified and one each year thereafter to the end that each member shall serve five years after the first appointment. Within sixty days after any vacancy shall occur the governor shall fill the same by appointment of some person registered under this act for the balance of the unexpired term. No person shall be eligible for appointment to said board who is connected with or affiliated with any school of massage.

Sec. 3. Membership of Board—appointments—officers—meetings.—The members of said board shall, within thirty days after their appointment, assemble at the State Capitol Building at St. Paul, Minnesota, and organize by electing a president, a vice president and a secretary-treasurer, each for a term of one year or until their successors are elected and qualified. Each of said officers shall have power to administer oaths, summon witnesses, compel the production of books and records, and take testimony as to matters pertaining to the duties of said board. It shall adopt a seal. The first board shall issue a certificate of license to each of its members for which each of them shall pay a fee of \$25.00 to the board. It shall adopt and prescribe a minimum of educational requirements as a pre-requisite to registration under this act, but such

requirements shall not be inconsistent with the provisions of this law and shall not discriminate against any particular method or theory of massage.

Said board shall meet twice in each year on the first Tuesday of the months of June and December and at such other times as the majority of the board may deem proper. Three members shall constitute a quorum for the transaction of business.

The secretary shall keep a record of all its proceedings and said reports shall be prima facie evidence of all matters therein recorded.

Within thirty days after the organization of said board it shall publish a notice in one issue of a daily paper in each of the cities of St. Paul, Minneapolis and Duluth, addressed to all persons engaged in the practice of massage in this state, advising them briefly of the provisions and requirements of this act.

Sec. 4. Registration of present practitioners.—Every practitioner of massage of the age of twenty-one years or over, who shall make application for registration on or before June 1st, 1927, and who shall prove to the satisfaction of the board that he or she is of good moral character, has a good practical knowledge of the work, and was regularly engaged in the practice of massage in this State before January 1st, 1926, shall upon payment of a fee of \$25.00 be registered without examination and granted a license as a practitioner of massage, and shall receive in testimony thereof a certificate signed by the president and secretary, and attested by the seal, of said board.

Application for registration under this section shall be made upon blanks furnished by the board and shall be signed and sworn to by the applicant and endorsed by three responsible residents in the county in which the applicant resides.

Sec. 5. Examination of applicants—fees.—Any person not entitled to register under the provisions of Section 4 hereof may be examined by said board as to his or her qualifications to practice the science of massage, provided he or she shall furnish the board with satisfactory proof that he or she is 21 years of age or over and that he or she is of good moral character, that he or she has received a high school education or the equivalent thereof, and in addition thereto has received a diploma or certificate of graduation from a reputable school of massage approved by said board, or in lieu of such diploma or certificate has received credits from a recognized educational institution in the subjects of anatomy, physiology, dermatology, histology and massage. Provided further that such school of massage in order to be recognized by said board of massage examiners hereby created shall have embraced in its course

the subjects of anatomy, physiology, dermatology, histology and massage. And provided, further, that before such applicant shall be entitled to take such examination he or she shall pay to such board a fee of \$25.00. If such applicant is found to be qualified as provided in Section 7 he or she shall be registered and shall receive in testimony thereof a certificate of registration signed by the president and the secretary-treasurer and attested by the seal of said board.

Any applicant who fails to pass to the satisfaction of the board an examination given by it and is for that reason refused registration shall be entitled, within six months after such refusal, to a re-examination, upon payment of an additional fee of \$5.00 for each such re-examination, but two such re-examinations shall exhaust his privilege under his original application, provided, however, that nothing in this act shall prevent any person from filing a new application at any time after one year from the date of the last examination.

Sec. 6. Duties of Secretary-Treasurer.—The secretary-treasurer shall be custodian of all fees or moneys received by the board under the provisions of this act and he shall deposit the same with the state treasurer, who shall keep said money in a separate fund of the state board of massage examiners for their use and shall pay the same out only upon written orders issued and signed by the secretary-treasurer and president of said board, and the amount of such fund is hereby annually appropriated to said board for the purpose of defraying its expenses in carrying out the provisions of this act.

Sec. 7. Examinations.—Examinations by the board shall be in the English language and shall be written, oral or practical as the board may determine, and shall embrace the subjects of anatomy, physiology, dermatology, histology, and massage, but shall be so limited in scope as to include only the minimum requirements for massage education as herein provided and shall not be construed to require of the applicant medical or surgical education.

The minimum requirement for the registration of applicants under this act shall be based on the general average of 75% of the subjects involved and not less than 60% in any one subject.

Sec. 8. Certificates to be filed—fees.—Every person holding a certificate of license from the state board of massage examiners shall file the same for record with the clerk of the district court of the county in which such person intends to engage in the practice of massage, and said clerk shall, upon payment to him of a fee of \$1.00, record such license in a book prepared for the purpose and after doing so shall return the

certificate of license, with his certificate as to time and place of record endorsed thereon, to the licensee.

Sec. 9. Expiration of licenses—renewal.—All certificates issued by said board shall expire at midnight on May 31st next after the issuance of same. All persons holding a certificate of license to practice massage within this state shall on or before the first day of June of each year after the issuance of said certificate apply to said board of massage examiners for a renewal thereof and shall accompany such application with a renewal fee of \$5.00.

The secretary-treasurer, shall, within thirty days or more before June 1st of each year, mail to all registered masseurs and masseuses in this state, a notice of the fact that all licenses must be renewed on or before June 1st of such year, and that application for renewal must be accompanied by a fee of \$5.00; no certificate of renewal need be issued, but a receipt for payment of the renewal fee shall be issued each licensee entitled thereto, but the same need not be recorded and such receipt shall be evidence of the renewal of the license referred to therein.

The secretary-treasurer shall, on the first Tuesday of June of each year, file with the governor of the state a report of all receipts and disbursements and proceedings of said board for the fiscal year. He shall give bond in such sum and with such sureties as the board shall deem necessary. The members of the board shall receive a fee of \$10.00 for each day's service rendered in attending meetings of the board and shall be reimbursed for moneys actually and necessarily expended by them in performance of their duties.

Sec. 10. Powers of Board—revocations.—The state board of Massage examiners may refuse to grant, or to renew, or may revoke a license issued or applied for hereunder, and may cause the name of any licensee to be removed from records in the office of the county clerk in this state upon any of the following grounds, to-wit: The employment of fraud or deception in applying for a license or in passing an examination provided for in this act; the conviction of a crime involving moral turpitude, habitual intemperance in the use of alcoholic spirits, narcotics or stimulants; conduct inimical to the best interest of licensed masseurs. Any applicant for a license to practice massage or any licensed masseur, against whom charges have been filed seeking to revoke or to prevent issuance or renewal of a license, shall be furnished with a copy of the complaint stating the grounds thereof and shall be accorded a hearing in person or by attorney before said board and shall be entitled to have witnesses subpoenaed in his behalf by said board respecting his guilt or innocence.

In case of the revocation of such a license by the state board of massage examiners a copy of the order of revocation duly certified by the secretary of the board shall forthwith be filed for record by said secretary in the office of the clerk of the district court where the license thereby revoked is of record and said clerk shall note such revocation in the book where said license is recorded and shall be entitled to a fee of \$1.00 for filing such order of revocation and for making said notation, to be paid by said state board out of its funds.

Said board may, at any time after six months of its refusal to issue or renew, or after it has revoked a license to the person affected, issue another license, and thereby confer upon him or her all the rights and privileges of a duly licensed masseur. Any person to whom a license has been restored or issued after re-consideration by the board shall pay to the secretary-treasurer the sum of \$25.00 upon issuance of a new license.

Sec. 11. Reciprocal laws.—The board may accept the certificate of the board of registration and examination of any other state or territory whose standards of qualifications and requirements for practice are equivalent to those of this state, upon payment of a fee of \$50.00; provided, however, that such applicant shall present his license to the secretary of the state board of massage examiners, who shall investigate the same, and, if satisfied that the same complies with the provisions of this act, shall issue to the applicant a certificate of license in this state, upon the payment of the above named fees.

Sec. 12. False registration--penalties. Any person who shall unlawfully obtain registration under this act whether by false or fraudulent statements to the state board or otherwise shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. Provided that the minimum penalty for such violation shall be a fine of \$50.00 for each and every such offense.

Any person who, not being licensed as provided hereby, or whose license has been suspended or revoked as herein provided, or who having been licensed under the provisions of this act has failed to renew his license in accordance with the provisions of this act, practices the art or science of massage, for a fee, or for hire, or for any consideration whatsoever, or offers to do so, publicly professes that he or she is a licensed masseur, or assumes the title of masseur, or in other words or letters tends to indicate that he or she is a masseur or masseuse and holds themselves out to the public as such for hire, or any consideration whatsoever, shall be guilty of a misdemeanor and upon conviction shall be punished accordingly; provided that the minimum penalty for such violation shall be a fine of \$50.00 for each and every such offence.

It shall be the duty of the county attorney, for the county in which any person unlawfully practices massage to prosecute such person hereunder.

Approved March 25, 1927.

CHAPTER 70—H. F. No. 392

An act authorising any county and any city within such county which maintains a Board of Control by funds supplied in proportionate parts by any such county and by any such city within such county to issue bonds in an amount not to exceed \$210,000 for the remodeling, altering and equipping the buildings at the hospital and almshouse in any such city and in any such county and appropriating to the same purpose an unexpended balance of the proceeds of bonds heretofore issued under the provisions of Chapter 398, General Laws 1923.

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

Section 1. **Bonds authorized for tuberculosis hospital.**—Any county and any city within such county which maintains a Board of Control by funds supplied in proportionate parts by any such county and any such city within such county may issue and sell in proportionate parts certificates of indebtedness or bonds of such county and such city within such county in an amount not to exceed \$210,000 for the purpose of defraying the cost of remodeling, altering and equipping the buildings at the hospital and almshouse in any such city and in any such county for the purpose of increasing the efficiency of said hospital and almshouse to provide for the treatment and care of poor persons in such cities and counties and to provide additional facilities for the purpose of treating persons afflicted with tuberculosis, that is to say, that any such county may issue not to exceed \$140,000 of such bonds or certificates of indebtedness and that any such city within such county may issue not to exceed \$70,000 worth of such bonds and certificates of indebtedness.

Sec. 2. **County Board and Board of Control to issue bonds.**—Whenever the Board of County Commissioners of any such county and the governing body of any city within such county shall deem it advisable to provide funds for the purpose of remodeling, altering and equipping the buildings at the hospital and almshouse in any such city and in any such county for the purpose of increasing the efficiency of said hospital and almshouse to provide for the treatment and care of poor persons in such cities and counties and to provide additional facilities for the purpose of treating persons afflicted with tuberculosis, in