

within a reasonable time shall be deemed neglect of duty and shall be cause for his removal from office.

Approved, March 11, 1915.

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## MATERNITY HOSPITALS

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### CHAPTER 183.

[S. B. No. 213—Committee on Public Health.]

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#### REGULATING MATERNITY HOSPITALS.

AN ACT Regulating Maternity Hospitals, Boarding Houses for Children, and the Business of Placing Children; Fixing Liability for the Care of Children and Providing for their Removal; Prohibiting the Sending of Pregnant Women to Other Counties Where Their Children Become Public Dependents and Prescribing Penalties for Violation of this Act.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. MATERNITY HOSPITAL. LICENSE.] That it shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity hospital, to conduct or maintain a boarding house for children, or to engage or assist in conducting a place for placing children as herein defined; without having in full force a written license therefor from the district court of the county in which such maternity hospital, boarding house or boarding home is conducted and maintained; *provided*, that nothing in this Act shall apply to any state institution maintained and operated by this state.

§ 2. MATERNITY HOSPITAL. DEFINITION.] The term maternity hospital as used in this Act shall be held to mean a house or other place maintained or conducted by any one who advertises himself or holds himself out as having or conducting a maternity hospital or boarding house; or a house or any other place in which any person receives, cares for or treats, within a period of six months, more than one woman during pregnancy, or during or after delivery, except women related to him by blood or marriage; *provided*, however, that nothing herein shall be construed to prevent a nurse from practicing her profession under the care of a physician in the home of the patient, or in a regular hospital other than a maternity hospital or boarding house for children.

§ 3. BOARDING HOUSE FOR CHILDREN. DEFINITION.] The term boarding house for children as used in this Act shall be held to mean a house or other place conducted or maintained by any one who advertises himself or holds himself out as conducting a boarding house for children, or who receives illegitimate children, or who has in his custody or control two or more children unattended by parents or guardians, for the purpose of providing such children

with food or lodging, excepting children related to him by blood or marriage or who have been legally adopted by him.

§ 4. BOARDING HOME FOR CHILDREN. DEFINITION.] The term boarding home for children as used in this Act shall be held to mean any children's home, orphanage, or other institutions, associations, organization or individual engaged in receiving, caring for and finding homes for orphans, dependent and neglected children.

§ 5. PLACING CHILDREN. DEFINITION.] Whoever advertises himself or holds himself out as placing or finding homes for, or otherwise disposing of children, or whoever, within a period of six months, actually places, or assists in placing, in homes of persons other than relatives, or causes or assists in causing the adoption or disposal otherwise of more than two children shall be deemed as engaged in or assisting in conducting a business of placing children.

§ 6. LICENSE. HOW ISSUED. CONTENTS.] The judge of the district court shall have the power to grant licenses to persons or organizations to maintain maternity hospitals, or boarding houses for children, or to engage in or assist in conducting the business of placing children as defined in Sections 2, 3, and 5 of this Act, upon the payment of a fee of twenty-five dollars to the Clerk of Court, said fee to be turned into the county treasury and used to defray the expenses incurred by said district judge in carrying out the provisions of this Act. No license shall be granted for a term exceeding one year. It shall state the name of the licensee, the particular premises in or at which the business shall be carried on and the number of women or children that may be treated, maintained, boarded or cared for at any one time; and said license shall be posted in a conspicuous place in the house or other place at which the business is conducted. No greater number of women or children shall be kept at one time on the premises than is authorized in the license, and no women or children shall be kept or disposed of within a building or place not designated in the license. The record of such license when issued, shall be kept by the Clerk of Court, who shall forthwith give a copy of said license to the Board of Health of the city or county in which the licensed business is to be conducted. The judge of district court shall designate a person to visit and inspect, the premises and investigate the manner of conducting the business licensed. Such person shall have the right to call for and examine the records required by this Act to be kept, and to inquire into all matters concerning such hospital and house and the women and children therein, and it shall be the duty of the licensee to give all reasonable information to such persons and afford them every reasonable facility for examining the records, inspecting the premises and seeing the inmates thereof. Every such visit, inspection and investigation made by a city or county Board of Health shall be reported by that board to the judge of the district court.

§ 7. RULES AND REGULATIONS.] It shall be the duty of the

judge of district court to provide such general regulations and rules for the conduct of all maternity hospitals and boarding houses for children and for the business of placing children as shall seem advisable to said judge and not inconsistent with any of the provisions of this Act. The judge of district court may revoke such license when in his discretion any provision of this Act is violated; or in any case where, in the opinion of the judge, such maternity hospital or boarding house for children is maintained without due regard to the health, comfort and morality of the inmates, or without due regard to the common rules of hygiene, or when any of such children have been placed in homes, given in adoption or otherwise disposed of without proper provision or regard for the health, comfort, maintenance, and moral welfare of the children. The judge of district court shall note such revocation upon the face of the record thereof and shall give notice, in writing, of such revocation to the licensee by delivering the notice to him in person, or leaving it on the licensed premises, and shall forthwith notify the Board of Health of such city and county in which such premises are situated.

§ 8. ADMISSION OF PATIENTS. RECORD. REPORT.] Every person, firm, corporation or association that conducts, or holds a license to conduct a maternity hospital as herein defined, shall, upon the admission of any woman or patient, make a report in a form to be prescribed by the judge of district court, wherein shall be entered by the true and correct name of such woman or patient, together with all her places of residence during the year preceding her admission to such hospital. Within twenty-four hours after a woman is admitted to a maternity hospital, a report of such admission shall be made to the judge of the district court. Every birth which takes place in any such maternity hospital shall be attended by a legally qualified physician or licensed midwife and a record shall be kept by the persons conducting such hospital, containing the date of the birth of the child, together with the name, sex and color thereof, the name and address of the mother of such child and of the physician or licensed midwife attending the birth. If the mother shall refuse to give a given name to such child, the persons in charge of the hospital shall give the same a given name and enter it in the records of the birth. The surname of the child shall be that of the father, whether such child is legitimate or illegitimate, if the name of the father is known. A copy of the records mentioned in this Section shall be sent to the judge of the district court within two days after the birth of such child.

§ 9. BIRTH AND OTHER RECORDS.] Every person, firm, corporation or association that is conducting a maternity hospital, a boarding house for children, or is placing children, as defined in this Act, or is holding a license as provided herein, shall keep a record in a form to be prescribed by the judge of district court wherein shall be entered the name, age, sex and color of every child born on his

premises or brought to him for placing, or finding a home for, or giving out for adoption, or otherwise disposing of the same, together with the name and address of each of the parents of said child; the name of every woman and of every child who dies while in his care, together with the date of such death; also the name and residence of the person with whom the child is placed or by whom it is adopted; this entry to be made within twenty-four hours after such child is given out, taken away or disposed of in any manner. A correct copy of such record shall be sent to the judge of district court at such times as the judge shall require.

§ 10. EXPENSES COLLECTIBLE FROM COUNTY.] The necessary expenses of the confinement of the mother of an illegitimate child and the care of the child in any maternity hospital, or other place designated for the care of such child by the judge of the district court, shall, unless paid within four months after such confinement, be a charge upon and collectible from the county in this state in which such woman had legal residence immediately before entering such maternity hospital, and shall be paid by the proper officials of such county upon due proof thereof, to the person or institution entitled to reimbursement, or judge of district court; and an illegitimate child which becomes a public charge may immediately be taken, by a person authorized by the judge of district court, at such time as said judge shall deem advisable, to the county in which the mother had legal settlement at the time such child became a public ward, and shall thereafter continue to be a charge upon such county until otherwise provided for. The expenses incurred in taking such child to said county shall be paid by said county. The expenses collectible from the county for the mother of an illegitimate child during her confinement shall be one dollar (\$1.00) per diem, and the expenses collectible from the county for an illegitimate child shall be thirty-five cents (35) per diem for the maintenance and traveling expenses in addition thereto. In case it is impossible to establish the legal settlement of any child or the mother thereof it shall become a ward of the county in which it was born; *provided*, that nothing herein shall be construed to dispense with the necessity of making any child a public ward by the juvenile court having jurisdiction or the judge thereof in vacation, but the presence of such child before said court or judge shall not be necessary in case the infant be of tender years.

§ 11. MOTHERS FROM ANOTHER STATE. REMOVAL.] Whenever the mother of an illegitimate child, who is without means, has come from another state into North Dakota and remained therein during her confinement, after the child is born and the mother is able to travel, she and the child may be taken to her residence in such other state by some person authorized by the judge of district court.

§ 12. PLACING OF CHILDREN.] Unless duly licensed or authorized by the judge of district court, no person other than said judge shall give out for adoption a child, or place such child under the

permanent care and control of any person other than a relative of such child, or give any such child to any person or to a firm, corporation or association, or receive any such child, for the purpose of placing it under the permanent care and control of any person other than a relative of such child.

§ 13. BOARDING HOME—ISSUE OF LICENSE.] Said judge of district court is hereby empowered to grant a license for one year to any boarding home for children that he believes is needed and is for the public good and that is conducted by reputable and responsible persons or associations.

§ 14. PENALTY.] Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred (\$300.00) dollars, or by imprisonment for not more than one year, or both.

Approved, March 4, 1915.

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## MOTHERS' DAY

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### CHAPTER 184.

[H. B. No. 92—Watt.]

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#### MOTHERS' DAY.

AN ACT to Amend and Re-enact Section 1916 of the Compiled Laws of North Dakota for the Year 1913, Relating to "Mothers' Day."

*Whereas*, Mothers' Day is observed by other states and by the people of the United States on the second Sunday in May of each year, and

*Whereas*, It is desirable that Mothers' Day in North Dakota should come on the same date as the day observed by other states and by the nation, therefore,

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 1916 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1916. It shall be the duty of the Governor each year to designate the second Sunday in May as Mothers' Day, and the Governor shall issue a proclamation requesting the people of the state to assemble on that Sunday in their churches or at such other place or places as may be most convenient and proper for the purpose of paying respect and tribute to our mothers.

§ 2. An emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

Approved, February 5, 1915.