

governing body of the municipality may require the registration of voters at one polling place.

Approved March 7, 1947.

OCCUPATIONS AND PROFESSIONS

CHAPTER 293

H. B. No. 39

(Langley and Research Committee at request of Board of Barber Examiners)

APPRENTICE BARBER REGISTRATION

AN ACT

To amend and reenact Section 43-0422 of the North Dakota Revised Code of 1943, regulating apprentice barbers, providing certificates of registration required and defining the powers of an apprentice barber.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 43-0422 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0422. APPRENTICE BARBER: CERTIFICATE OF REGISTRATION REQUIRED: POWERS OF.] A person may not serve as an apprentice barber unless he:

1. Has a certificate of registration and is registered as an apprentice or has a permit to work as an apprentice barber; and
2. Is under the immediate supervision of a registered barber.

The certificate of registration of an apprentice, as required in Subsection 1 of this section, shall be annulled three years after the person first makes his application as an apprentice. An apprentice barber may do any or all of the acts constituting the practice of barbering. Not more than one apprentice shall be employed in any one barber shop,

Approved February 20, 1947.

CHAPTER 294

H. B. No. 37

(Langley and Legislative Research Committee at request of board of Barber Examiners)

STATE BARBER BOARD MEMBER COMPENSATION AND MILEAGE**AN ACT**

To amend and reenact Section 43-0407 of the North Dakota Revised Code of 1943, pertaining to the members of the State Barber Board and providing for compensation and mileage.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 43-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0407. COMPENSATION; MILEAGE; HOW PAID.] Each member of said board shall receive eight dollars per day for actual services and shall also be paid their actual expenses as provided by law incurred in attending said meetings and in the performance of their official duties. All compensation shall be paid out of any money in the hands of the treasurer of said board as such.

Approved March 14, 1947.

CHAPTER 295

H. B. No. 38

(Langley and Legislative Research Committee at request of Board of Barber Examiners)

BARBERSHOP OWNER ESTABLISHMENT FEE**AN ACT**

To amend and reenact Subsection 10 of Section 43-0442 of the North Dakota Revised Code of 1943, providing for miscellaneous fees in connection with the administration of the barber laws.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Subsection 10 of Section 43-0442 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-0442. FEES.]

10. Annual establishment fees to be paid by each shop owner in advance, two dollars for the first barber chair and one dollar for each additional barber chair which is in use one month or more in any one year.

Approved March 14, 1947.

CHAPTER 296

H. B. No. 127
(Stair, Fugelstad and Falconer)

ESTABLISHMENT, ETC., CHIROPRACTIC HOSPITALS

AN ACT

Providing that no person, partnership, association or corporation, shall establish, conduct or maintain in the State of North Dakota any Chiropractic Hospital, Sanatorium or other related institution for the hospitalization and/or care of the sick or injured without first obtaining a license therefor; providing a penalty for violation and repealing all other acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. CHIROPRACTIC HOSPITALS MUST OBTAIN LICENSES.]
No person, partnership, association or corporation, shall establish, conduct or maintain in the State of North Dakota a Chiropractic Hospital, Sanatorium or related institution for the hospitalization and care of the sick or injured without first obtaining a license in the manner hereinafter provided.

Chiropractic Hospitals, Sanatorium, or other related institutions within the meaning of this act, shall mean any institution, place building agency in which any accommodation is maintained, furnished or offered for the hospitalization of the sick or injured, by Chiropractic methods.

Hospitalization within the meaning of this Act, is defined as the reception and care of any person for a continued period longer than twenty-four hours, for the purpose of giving advice, diagnosis or treatment bearing on the physical or mental health of such persons. Nothing in this act shall apply to hotels or other similar places that furnish only board or room, or either, to their guests. Nothing in this act shall authorize any person, partnership, association or corporation to engage in the practice of the healing art, or the practice of Chiropractic as defined by law.

§ 2. EXISTING HOSPITALS, ETCETERA, TO OBTAIN LICENSES.] No person, partnership, association or corporation may continue to operate an existing Chiropractic hospital, sanatorium or related institution, or open a Chiropractic hospital, sanatorium or related institution, after January 1, 1948, unless such operation shall have been approved by the National Council of Chiropractic Hospitals and Sanatoriums, and regularly licensed by the State Board of Chiropractic Examiners as provided hereinafter. Before a license shall be issued under this act, the person applying shall submit evidence satisfactory to the Chiropractic Board of Examiners that he is not less than twenty-one years of age and of reputable and responsible character; in the event the applicant is an association or corporation, like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall in addition, submit satisfactory evidence of their ability to comply with the minimum standards of this act and all regulations adopted thereunder.

§ 3. APPLICATION FOR LICENSES.] Any person, partnership, association or corporation desiring a license hereunder shall file with the state Chiropractic Board of Examiners a verified application containing the name of the applicant desiring the license; whether such person so applying is twenty-one years of age; the type of institution to be operated; the location thereof; the name of the person (persons) in charge thereof, and if they have met the minimum standards set by the National Council of Chiropractic Hospitals and sanatoriums and such other information as the State Board of Chiropractic Examiners may require. Application on behalf of corporation or association shall be made by any two officers thereof or by its managing agents.

§ 4. FEES.] The application for a license to operate a Chiropractic hospital, sanatorium or related institution within the meaning of this act shall be accompanied by a fee of \$5.00. No such fee shall be refunded. All such licenses issued by the North Dakota State Chiropractic Board of Examiners under this act shall expire on the thirty-first day of December each year after this act takes effect, shall be on a form prescribed by said department, shall not be transferred, or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises and may be renewed from year to year upon application, investigation by the State Chiropractic Board of Examiners and payment of a license fee, as in the case of procurement of an original license.

§ 5. INSPECTIONS.] Every building, institution or establishment for which a license has been issued under this

act, shall be periodically inspected by sanitary Engineers and firemen who shall report as to safety of the institution to the State Chiropractic Board of Examiners which Board shall also inspect the institution under the rules and regulation to be established by said Board of Examiners. No institution of any kind licensed pursuant to the provisions of this act shall be required to be licensed or inspected under the laws of this State relating to hotels, restaurants or lodging houses.

§ 6. STATE CHIROPRACTIC BOARD OF EXAMINERS TO ISSUE LICENSES.] The State Chiropractic Board of Examiners is hereby authorized to issue licenses to operate Chiropractic hospitals and Sanatoriums or other related institutions as herein defined, which, after inspection are to comply with the provisions of this act, and any regulations adopted by said State Board of Examiners. All decisions of this Board may be reviewed in the District Court in the county in which such institution is located or contemplated. The State Board of Chiropractic Examiners is hereby authorized to suspend or revoke a license issued hereunder, on any of the following grounds. (1) Violation of any of the provisions of this act or the rules and regulations issued pursuant thereto. (2) Permitting, aiding or abetting the commission of any illegal act in such institution. (3) Conduct or practices detrimental to the welfare of the patient of said institution. Provided that before any such license issued hereunder is suspended or revoked, thirty days written notice shall be given the holder thereof the date set for hearing of the complaint. The holder of such license shall be furnished with a copy of said complaint and be entitled to be represented by legal counsel at such hearing. Such notice shall be given by the State Board of Chiropractic Examiners by registered mail. If a license is revoked as herein provided, a new application for license may be considered by the State Chiropractic Board of Examiners when, and after, the conditions upon which revocation was based, have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of this act and rules and regulations hereunder as heretofore and hereinafter provided have been complied with.

§ 7. STANDARDS ESTABLISHED.] The State Chiropractic Board of Examiners shall have the power to establish standards under this act which it finds necessary and in public interests and, in like manner, it may rescind, amend or modify such regulations from time to time as may be in the public interests, insofar as such action is not in conflict with any of the provisions of this act.

§ 8. ESTABLISHMENT OF ADVISORY COMMITTEE.] The Chiropractic Board of Examiners shall request the Governor to appoint an advisory Committee consisting of the Executive Director of the Public Welfare Board, one Chiropractic Hospital Superintendent and one interested in Chiropractic hospitals. One member to serve for three years, one for two, and one to serve for one year from the date of their appointment or until their successors are duly appointed. Following this first appointment, the term of office shall be for three years. This advisory Committee to act in an advisory capacity to the Chiropractic Board of Examiners in dealing with matters pertaining to particular problems of Chiropractic Hospitals and Sanatoriums, and other related institutions.

§ 9. INFORMATION NOT TO BE DISCLOSED.] Information received by the State Board of Chiropractic Examiners through inspections and authorized under this act shall be confidential and shall not be disclosed except in a proceeding involving the question of licensure.

§ 10. VIOLATIONS PENALTIES.] Any person, partnership, association or corporation, establishing, conducting, managing or operating any Chiropractic hospital or sanatorium within the meaning of this act, without first obtaining a license therefor as herein provided, or who shall violate any provision of this act or regulation thereunder, shall be guilty of misdemeanor, and upon conviction thereof be punished by a fine of not to exceed One Hundred Dollars (\$100.) and a like amount for any subsequent offense.

§ 11. ACCEPTANCE OF FEDERAL FUNDS SUPPLIES AND EQUIPMENT FOR CHIROPRACTIC HOSPITALS.] The State Board of Chiropractic Examiners is hereby authorized and empowered for, and on behalf of the Chiropractic Profession and their patients in the State of North Dakota to accept any funds or grants through appropriate channels appropriation of the counties of the United States and any supplies and equipment which may be made available to this State for hospital facilities, goods and services.

§ 12. REPEAL.] All acts or parts of acts in conflict herewith are automatically repealed.

§ 13. INVALID SECTIONS.] If any section of this act shall be declared unconstitutional or invalid, this shall not invalidate any other section of this act.

Approved March 15, 1947.

CHAPTER 297

H. B. No. 302

(Fleck, Mollet. Benno, McInnes, Graham)

REGULATING OCCUPATION OF COSMETOLOGY

AN ACT

To amend and reenact sections 43-1101, 43-1106, 43-1116, 43-1117, subsection 1 of section 43-1119, subsection 4 of section 43-1121, subsection 1 of section 43-1126 and section 43-1127 of the North Dakota Revised Code of 1943, relating to the occupation of cosmetology; providing for the registration of cosmetologists; fixing of compensation of members of board and secretary; providing for the conduct and registration of schools and shops for cosmetology and prescribing their qualifications; providing for the registration of students; providing for the licensing of manager-operators, instructors, student operators and demonstrators and prescribing their qualifications; defining terms and repealing all Acts and parts of Acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§. AMENDMENT.] That Section 43-1101 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1101. DEFINITIONS.] In this chapter, unless the context or subject matter thereof otherwise requires:

1. "Cosmetology" as used in this Act is hereby defined and construed to mean any one and/or combination of practices generally and usually heretofore and hereafter performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdresser, or of any other person holding him or herself out as practicing cosmetology by whatever designation and within the meaning of this Act and in and upon whatever place or premises; and in particular cosmetology shall be defined and shall include—but otherwise not be limited thereby—the following or any one or a combination of practices, to-wit: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, neck, arms, hands, bust or upper part of the body, or manicuring the nails of any person.

2. "Student" shall mean any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this Act.
3. "Operator" shall mean a person, not a student, who is licensed under the provisions of this chapter to engage in and follow any of the practices of a hairdresser or cosmetologist;
4. "Hairdresser and cosmetologist shop" shall include that part of any building wherein the occupation of a hairdresser or cosmetologist is practiced;
5. "Student Instructor" shall mean a cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.
6. "Instructor" shall mean any person of the age of twenty-one years or more, who is a cosmetologist and who teaches cosmetology or any practices taught in a duly registered school of cosmetology.
7. "Manager-Operator" shall mean any person of the age of twenty-one years or more who has been a licensed cosmetologist for at least one year and who manages or conducts a beauty shop.
8. "Board" shall mean the state board of hairdressers and cosmetologists.
9. "Demonstrator" shall mean any person who possesses the qualifications of a cosmetologist but who limits his practice to the performing of cosmetological operations upon persons provided for the purpose of being subjects or models upon whom demonstrations are to be performed before groups of students, operators, managers, instructors or demonstrators as defined in this section or shopowners or school owners.

§ 2. AMENDMENT.] That Section 43-1106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-1106. COMPENSATION OF MEMBERS OF BOARD; HOW PAID.] Each member of the board shall receive ten dollars for each day employed in the actual discharge of her duties and her necessary expenses so incurred. The secretary of the

board shall receive an annual salary of not more than two thousand four hundred dollars, to be fixed by the board, and her necessary expenses actually incurred in the performance of her official duties. The compensation and expenses of all members of the board shall be paid from the fund in the state treasury to the use of the board on requisition signed by the president and the secretary of the board and the warrant of the state auditor.

§ 3. AMENDMENT.] That Section 43-1116 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

43-1116. REGISTERED SCHOOLS; QUALIFICATIONS FOR REGISTRATION.] A certificate of registration shall be granted to a school for hairdressers and cosmetologists upon an application to the board and the payment of the annual registration fee, if the school:

1. Is operated and maintained in premises entirely distinct and permanently separated from any hairdressing, beauty, or cosmetologist shop;
2. No school of cosmetology shall be granted a certificate of registration unless it shall require one thousand fifty hours of training and instruction in cosmetology, and unless it shall attach to its staff as a lecturer and consultant a person licensed by this state to practice an unlimited or limited branch of medicine and employ and maintain a sufficient number of competent instructors, at least one for each twenty-five students in attendance at any one time; shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; maintain regular class and instruction hours to include practical demonstrations and theoretical studies and studies in sanitation, sterilization and other safety measures and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof as provided in this Act. Any such school that shall enroll student instructors shall set up an adequate course of training as such, with the approval of the board and shall not have at any one time more than one such student instructor for each licensed instructor actively engaged in such school.

§4. AMENDMENT.] That Section 43-1117 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

43-1117. CERTIFICATE OF REGISTRATION ISSUED FOR SCHOOL OF HAIRDRESSING, COSMETOLOGY AND SHOPS; FEE FOR ANNUAL REGISTRATION.] The board may issue an annual certificate of registration for a school giving instruction in hairdressing and cosmetology. The annual registration fee for such school shall be determined annually by the board but shall not exceed the sum of one hundred dollars. The board may, after inspection and approval, issue a shop registration certificate, the fee for which shall not exceed three dollars, but shops duly registered prior to July 1, 1947, shall not be required to register until December 31, 1947.

§ 5. AMENDMENT.] That Subsection 1 of Section 43-1119 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

1. Be at least seventeen years of age

§ 6. AMENDMENT.] That Subsection 4 of Section 43-1121 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

4. Satisfactory proof that the applicant has the required training in a registered school which shall not be less than one thousand two hundred fifty hours for hairdressers and cosmetologists.

§ 7. AMENDMENT.] That Subsection 1 of Section 43-1126 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

1. Furnishes to the board evidence that she has practiced as a licensed operator in this state for at least one year; and has attained the age of twenty-one years.

§ 8. AMENDMENT.] That Section 43-1127 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

43-1127. INSTRUCTOR'S LICENSE; REGISTRATION; QUALIFICATIONS.]

1. No person may be licensed as an instructor in any one or combination of the practices of cosmetology unless such person shall furnish the board evidence that she has attained the age of twenty-one years; that she has a general education equivalent to the completion of four years in high school and shall pay the original

instructor's license fee of ten dollars and shall hold a license as a cosmetologist issued pursuant to Section 43-1121 hereof, and in addition:

- (a) Shall have at least six months teacher's training course in cosmetology in a registered school of cosmetology. In no event shall more than nine months teacher's training be required for admission to examination; or
 - (b) Shall have at least one year's experience as an active practicing cosmetologist, supplemented by not less than three months teacher's training in cosmetology in a registered school of cosmetology. In no event shall more than five months teacher's training be requisite for admission for examination; or,
 - (c) Shall possess a current license as a cosmetologist and shall have been actively engaged in the practice of cosmetology for at least five years immediately prior to such person's application for an instructor's license. No instructor or student instructor shall be permitted to practice cosmetology on a patron other than that part of practical work which shall pertain directly to the teaching of practical operations to students.
2. Student instructors in cosmetology shall be registered as such without fee upon enrollment in a registered school of cosmetology and upon certification by such school to the board of the name, age and qualifications of said student instructor which shall be recorded in a register kept for that purpose. A student instructor shall, at the time of enrollment, possess a general education equivalent to the completion of four years in high school and hold a license as a cosmetologist. Upon completion of the course prescribed for student instructors, said student instructor shall make application on a form provided by the board and pay a fee of ten dollars; such board shall thereupon cause such applicant to be examined for an instructor's certificate; such examination to be given by a special examining committee comprised of the board, assisted by one designated by the board, who shall possess at least the minimum qualifications entitling him to instruct in an institution of higher learning and who shall examine the applicant in teaching procedures only. Upon successfully passing said examination the board shall issue an instructor's certificate to the applicant.

3. No person may be licensed as a demonstrator unless such person shall be a licensed cosmetologist or shall file proof with the board that he has continuously practiced in another state as a cosmetologist for a period of at least two years prior to the date of the application for license as such demonstrator and shall pay an annual license fee of five dollars.

Approved March 15, 1947.

CHAPTER 298

H. B. No. 228—(Fleck and Falconer)

REGULATING DENTAL HYGIENISTS

AN ACT

Providing for the licensing and regulating of dental hygienist by the North Dakota state board of dental examiners; providing the duties and defining the scope of practice of dental hygienists; providing for the payment of an annual registration fee and for revocation and suspension of licenses; and providing for the enforcement of the provisions of this Act and for punishment for violation thereof, and providing a savings clause.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. NAME OF ACT.] This Act shall be known and cited as The Dental Hygienist Act of North Dakota.

§ 2. DENTAL HYGIENISTS, QUALIFICATIONS, EXAMINATIONS, REGISTRATION AND LICENSE.] Any woman of good moral character not already a licensed dental hygienist of this state, being a graduate of an accredited high school or its equivalent, who is a graduate of a training school for dental hygienists and approved by the North Dakota state board of dental examiners, or who has for not less than five consecutive years been employed in North Dakota as a dental assistant by a licensed dentist and who makes her application for such license within one year after this act goes into effect, upon payment of twenty dollars, may be examined by said board on the subjects considered essential by it for a dental hygienist. Such examinations shall be conducted by the board of dental examiners. If the applicant, in the opinion of the board, successfully passes said examination, she shall be registered and licensed as a dental hygienist. For such applicants as fail to pass a satisfactory initial examination, subsequent exam-

inations may be had before the board upon payment of a fee of ten dollars for each subsequent examination, but no applicant shall be allowed to take more than three examinations. Applicants for examination shall submit their credentials to said board at least thirty days prior to the examination date, which date shall correspond to the date of examination for applicants for license to practice dentistry in this state.

§ 3. DENTAL HYGIENISTS: EMPLOYMENT OF AND PRACTICE BY.] Any licensed dentist, hospital, public institution or school authorities may employ such licensed dental hygienist. Such hygienist may be employed and operate in the office of a legally licensed dentist, or in any hospital, or in any state or municipal institution, or in public or parochial schools, or under a public board of health in any public clinic authorized by said board. Such hygienists may make x-ray pictures of the teeth and jaws; may clean and polish teeth; may assist in the administration of gas, ether and general anesthesia as applied to dentistry; may make instrumental examination of the teeth for cavities and chart the result of such examination and findings; and may prescribe or apply ordinary mouth washes of soothing character, and apply and use such antiseptic sprays or washes as her employer dentist may direct; but such dental hygienist shall not perform or undertake to perform any other dental operative procedure on the teeth or tissues of the human mouth. She shall not operate in any case except under the direct supervision of a licensed dentist, except that in any public institution, or public or parochial school, she may operate under the general supervision of a licensed dentist. Only one dental hygienist may be employed by any one licensed dentist; in any dental office or establishment in which more than one licensed dentist is practicing his profession, there shall be employed therein no more than one dental hygienist for each licensed and practicing dentist therein.

§ 4. LICENSE RECORDED: FEE.] Every holder of a license as a dental hygienist in this state, within thirty days after its issuance, shall file the same for record in the office of the clerk of the district court in the county where the holder works. If said holder of the license changes the place of her employment to another county, she shall file the license in the office of the clerk of the district court of such county before practicing therein. The clerk's fee for recording such license shall be fifty cents.

§ 5. LICENSES: SUSPENSION; REVOCATION, REFUSAL TO RENEW, AND REINSTATEMENTS.] The board of dental examiners may suspend or revoke, with power to reinstate, or

refuse to renew a dental hygienist's license, upon any one or more of the following grounds:

1. Gross immorality or unprofessional conduct;
2. Failure, neglect, or refusal to renew a license annually;
3. Non-observance or violation of any provision of this Act, or of any board rule or regulation made hereunder;
4. Gross inefficiency in the practice of dental hygiene; and said board shall also have the power to and may suspend or revoke, with power to reinstate, the license of any licensed dentist who shall permit any dental hygienist, operating under his supervision, to perform any operation other than that permitted under the provisions of this Act, or who shall knowingly permit any person who is not a licensed dental hygienist to perform any operations or services as such under his supervision.

The procedure to be followed in the case of such suspension, revocation or reinstatements, shall be the same as that prescribed by law in the case of suspension, revocation or reinstatement of a licensed dentist.

§ 6. LICENSE: FEES; DISPLAY.] On or before January first of each year, every licensed dental hygienist shall pay to the board of dental examiners a registration fee of two dollars, and in default of such payment, the board, upon twenty days' notice, may revoke or suspend the license of the hygienist in default. The payment of such fee within such twenty day period, with an additional sum of five dollars, shall excuse the default. The board may collect such fee by suit. Such licensed hygienist must display conspicuously at the place of her employment her annual registration license.

§ 7. DENTAL HYGIENISTS FROM OTHER STATES.] Any dental hygienist duly licensed to practice as such in another state, and who is of good moral character and is desirous of removing to this state, and deposits with the board of dental examiners a license from the examining board of the state in which she is licensed, certifying to the fact of her being licensed, and a letter from the secretary of the state dental association, or the secretary of the state dental hygienists association or organization, of such state, certifying that she is of good moral character and professional attainments, may upon the payment of a fee of twenty-five dollars, in the discretion of the board, and upon the satisfactory passing of such

examinations as the said board shall deem necessary and proper, be granted a license to practice in this state.

§ 8. UNLAWFUL TO EMPLOY UNLICENSED HYGIENIST: UNLAWFUL TO PRACTICE WITHOUT LICENSE.] From and after the expiration of thirty days following the passage and approval of this Act, it shall be unlawful for any person to practice dental hygiene in the state of North Dakota, without first obtaining from the North Dakota state board of dental examiners a license authorizing such person to practice dental hygiene in this state. From and after the expiration of such thirty days, it shall be unlawful for any person to employ an unlicensed dental hygienist for the performance of any operations or services as such, or permit such unlicensed person to perform any operations or services as such, under his supervision.

§ 9. VIOLATION OF ACT A MISDEMEANOR.] Any person violating any provision of this Act shall be guilty of a misdemeanor, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ten days, or by both such fine and imprisonment.

§ 10. STATE BOARD OF DENTAL EXAMINERS: AUTHORITY; DUTY; COMPENSATION.] The North Dakota state board of dental examiners shall have the power and it shall be its duty to enforce the provisions of this Act. And such board shall have the power to make such rules and regulations, not inconsistent with this Act, as may, in its judgment, be necessary for the proper enforcement of this Act, and the examination of dental hygienists for their conduct of practice. Each member of the board shall receive as compensation for his services hereunder, the sum of five dollars for each applicant examined, and such compensation shall be in addition to any compensation received under the provisions of Chapter 43-08 of the 1943 Revised Code of 1943.

§ 11. PRACTICE OF DENTAL HYGIENE SUPPLEMENTAL TO PRACTICE OF DENTISTRY.] The practice of dental hygiene is hereby declared to be supplemental and auxiliary to the practice of dentistry in North Dakota. All particulars, requirements, regulations, control, and provisions of Chapter 43-08 of the North Dakota Revised Code of 1943 and of any subsequent amendments thereto, shall apply with equal force wherein and so far as they may be applicable to the practice of dental hygienists, except as otherwise provided for in this Act.

§ 12. SAVINGS CLAUSE.] This Act shall be deemed to be enacted in the interests of public health, safety and wel-

fare, and its provisions shall be liberally construed to carry out its objects and purposes. If any provision of this Act shall be held to be unconstitutional or unenforceable or invalid, such provisions shall be considered severally from the remainder of this Act although contained in sections containing other provisions and shall be excluded from this Act, and the fact that such provision shall be held to be unconstitutional, invalid or unenforceable, shall in no wise effect any other provision of this Act, although in the same section; the legislative assembly hereby declaring that all sections of this Act or parts thereof are independent sections and parts of sections and that it would have passed the remaining sections of said Act and each provision thereof, notwithstanding the unconstitutionality, invalidity or unenforceability of any other portion thereof.

Approved March 15, 1947.

CHAPTER 299

S. B. No. 39

(Brant for Legislative Research Committee at the request of State Nurses' Association)

REGULATING PRACTICAL NURSES

AN ACT

To provide for the licensing and regulation of practical nurses, providing for training of practical nurses, and prescribing penalties for violation thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEFINITIONS.] In this Act unless the context or subject matter otherwise clearly requires:

1. "Practical nurse" shall mean any nursing attendant, auxiliary worker, subsidiary worker, vocational nurse, or any other person who cares for the sick for hire who is not a professional registered nurse; and
2. "State board" or "board" shall mean the North Dakota state board of nurse examiners.

§ 2. PERSONS EXEMPTED FROM THE PROVISIONS OF THE ACT.] The provisions of this Act shall not apply to gratuitous nursing of the sick by friends or members of the family, nor to any practical nurse or person nursing or caring for the sick for hire who does not pretend to be a licensed practical nurse.

§ 3. EXAMINATION REQUIRED; APPLICATION; FEE FOR EXAMINATION: QUALIFICATIONS FOR EXAMINATION.] Any person who desires to be licensed as a practical nurse in this state shall pass the examination given by the board before a license shall be issued to her. Such person shall make an application for licensing to the secretary of the board at least ten days prior to date set for the examination. The applicant shall enclose with her application proof that she possesses the following qualifications:

1. Has reached the age of eighteen years;
2. Is of good moral character;
3. Is in good physical and mental health, and evidence of this fact shall be made by submitting an affidavit made by a licensed physician on forms to be provided by the board;
4. Has at least an eighth grade education, or its equivalent, and such other preliminary qualifications as the board, from time to time, by rule and regulation may prescribe;
5. Has successfully completed an accredited course for the training of licensed practical nurses; and
6. Is a citizen of the United States, or has declared her intention of becoming a citizen.

§ 4. EXAMINATION AND LICENSING OF PRACTICAL NURSES.] The state board shall prescribe rules and regulations not inconsistent with the provisions of this Act for the examination, licensing, and regulation of practical nurses. Written examinations shall be held at least twice in each year, at a time and place to be designated by the state board. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing the examination as prepared by the board, the board shall issue to such applicant a license to practice as a licensed practical nurse.

§ 5. PRACTICAL NURSE MAY RECEIVE LICENSE IN THIS STATE IF LICENSED IN OTHER STATE OR COUNTRY.] The board may issue a license to practice as a licensed practical nurse without examination to any applicant upon the payment of the license fee hereinafter required, when said applicant has been duly licensed as such practical nurse under the laws of another state, territory, or foreign country, if in the opinion of the members of the board, the applicant has qualifications which are at least equivalent to the qualifications required by this Act.

§ 6. PRACTICAL NURSE POSSESSING CERTAIN QUALIFICATIONS MAY RECEIVE LICENSE WITHOUT EXAMINATION.] For the purposes of meeting the need for nursing assistance caused by the present emergency, the board shall have the authority to issue a certificate to practice as a licensed practical nurse without examination, and upon the payment of the license fee hereinafter provided for, provided application for such license shall be made on or before January 1, 1948 to any person who shall submit satisfactory evidence that she:

1. Possesses the qualifications listed in Subsections 1, 2, 3, and 6 of Section 3 of this Act;
2. Has had two or more years of experience in the care of the sick prior to July 1, 1947; and
3. Is a proper person to whom such certificate as a licensed practical nurse might be issued, as is shown by endorsement of one or more reputable physicians duly licensed to practice in this state, and as is further shown by the endorsement or recommendation of one or more registered graduate nurses who is or has been licensed to practice in this state, who have personal knowledge of the applicant's qualifications, and as further shown by affidavit of at least two persons by whom such applicant has been employed in that capacity.

§ 7. FEES; DISPOSITION OF.] Any person making application for a license to practice as a licensed practical nurse under the provisions of the Act shall submit, with such application, a fee of five dollars to the board. All fees received shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the duties imposed upon the board by this Act, and in carrying out the provisions of this Act.

§ 8. RENEWAL OF LICENSE; FAILURE TO RENEW.] The license issued under sections of this Act, must be renewed annually and a fee of one dollar shall be submitted with every application for renewal. Before January 1st of each year, the secretary of the board shall mail to all licensed practical nurses an application form for renewal of license. Such form must be completed and returned to the secretary of the board together with the renewal fee of one dollar on or before the fifteenth of February following. The failure of any licensee to renew her license annually shall suspend the right of such person to practice in this state as a licensed practical nurse. A penalty fee of one dollar, in addition to the renewal fee,

shall be required where the licensee fails to file renewal application within the time provided for in this section.

§ 9. REVOCATION OF LICENSE; HEARING; FURNISHING INFORMATION TO OTHER STATES.] The board may revoke any license issued under the provisions of this Act for gross incompetency, dishonesty, or any other act which shall constitute just cause for such revocation. Such revocation shall be by a majority vote of the entire board after a hearing had on specific charges filed against such licensee, which charges shall be made in writing under oath and filed by the secretary. A certified copy of the charges and a notice of the hearing before the board shall be served on the licensee whose license is sought to be revoked not less than twenty or more than thirty days prior to the hearing on such charges. Upon written request, the board may furnish to the board of nurses examiners of other states, a list of names and addresses of persons whose licenses have been revoked for cause.

§ 10. LICENSING OF PRACTICAL NURSES; USE OF TITLE "LICENSED PRACTICAL NURSE" WITHOUT A LICENSE PROHIBITED.] No person shall practice nursing in this state as a licensed practical nurse unless she holds a license as such issued pursuant to the provisions of this Act. Any person so licensed shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N.". No person shall assume such title or use such abbreviation or any other letter or figure to indicate she is a licensed practical nurse unless she has been licensed as such. The board shall keep a register in which shall be entered the names of all persons to whom licenses are issued under this Act and said register shall at all times be subject to inspection by the public.

§ 11. ACCREDITED INSTRUCTION FOR CONDUCTING TRAINING COURSES FOR PRACTICAL NURSES.] Any institution, under rules and regulations to be adopted by the board, which shall be qualified to conduct a course for training practical nurses, shall apply to the board and submit an application giving evidence that it is prepared to give a course of not less than nine months nor more than twelve months for training practical nurses, and that such institution further is able to meet standards prescribed by statute and the board for the training of practical nurses. A fee of twenty-five dollars shall accompany such application. Upon receipt of such application and fee, the board shall cause a survey of the institution making such application to be made by a qualified representative of such board. Such representative shall submit a written report of his findings to the board. If, in the opinion of the members of the board, the requirements for an accredited course for training practical nurses are met by such institu-

tion, it shall approve the institution as qualified to give an accredited course for training of practical nurses. It shall further be the duty of the board, from time to time, to survey all courses for the training of practical nurses offered within the state. Written reports of such survey shall be submitted to the board. If the board shall determine, as a result of such survey, that any institution heretofore accredited as an institution for training of practical nurses, is not maintaining the standards required by law and by the rules and regulations of the board, notice thereof shall immediately be given to such institution. If requirements of the state board are not complied with within a reasonable time set by the board in such notice, such institution shall be removed from the list of accredited institutions authorized to offer courses for training or practical nurses within this state.

§ 12. PENALTY.] Any person violating any of the provisions of this Act or wilfully making false representations to the board in applying for a license shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars or more than twenty-five dollars for the first offense, and by a fine of not more than fifty dollars for each subsequent offense.

Approved March 10, 1947.

CHAPTER 300

S. B. No. 177

(Work, Nordhougen and Rue)

REGULATING PRACTICE OF OPTOMETRY**AN ACT**

To amend and re-enact Sections 43-1302, 43-1313 and 43-1322 of the North Dakota Revised Code of 1943, relative to the practice of optometry, prescribing the powers and duties of the North Dakota State Board of Optometry, making the practice of optometry by licensed optometrists with lay organizations, groups and individuals a ground for revocation of the certificate of registration, prohibiting the practice of optometry by any person, corporation, organization, group or individual through the means of engaging the services of licensed optometrists and providing for enforcement of the law by injunction.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 43-1302 of the North Dakota Revised Code of 1943 be, and the same hereby is, amended and reenacted to read as follows:

43-1302. PERSONS EXEMPT FROM PROVISIONS OF CHAPTER.] The provisions of this chapter shall not apply to the following persons:

1. Persons who sell spectacles, eyeglasses, or other articles of merchandise without attempting to practice optometry;
2. Student practitioners under the immediate and direct supervision of a registered optometrist;
3. Physicians and surgeons authorized to practice medicine in this state, except that the provisions of Section 4 shall remain applicable.

§ 2. AMENDMENT.] That Section 43-1313 of the North Dakota Revised Code of 1943 be, and the same hereby is, amended and reenacted to read as follows:

43-1313. DUTIES OF BOARD.] The board shall have the following duties:

1. To enforce the provisions and carry out the purposes of this chapter;
2. To make and enforce such rules and regulations not inconsistent with law as may be necessary for the proper performance of its duties, the effective en-

forcement of this chapter, and the reasonable regulation of the profession of optometry and the practice thereof by persons licensed under this chapter;

3. To proceed in the courts of this state by injunction when considered necessary to restrain any violation of this chapter

§ 3. AMENDMENT.] That Section 43-1322 of the North Dakota Revised Code of 1943 be, and the same hereby is, amended and reenacted to read as follows:

43-1322. CERTIFICATE OF REGISTRATION: WHEN REVOKED.] The board may revoke any certificate of registration granted by it under the provisions of this chapter when it appears to the satisfaction of the majority of the members that the holder of the certificate:

1. Has been convicted of a felony or of a violation of any provisions of this chapter;
2. Is an habitual drunkard;
3. Has been addicted to the excessive use of intoxicating liquor or narcotic drugs for at least six months immediately prior to the filing of the charges;
4. Is permanently afflicted with any contagious or infectious disease;
5. Is grossly incompetent to discharge his duties in connection with the practice of optometry;
6. Has employed fraud, deceit, misrepresentation, or fraudulent advertising in the practice of optometry; or
7. Is engaged in the practice of optometry by being directly or indirectly employed by any person other than one who holds a valid unrevoked certificate as an optometrist in this state and who has an actual legal residence within this state.

Any person whose certificate has been revoked may have the same reinstated upon satisfactory proof that the disqualification has ceased or that his disability has been removed.

§ 4. PROHIBITIONS.] It shall be unlawful for any corporation, organization, association, group or individual who is not himself the holder of a certificate to practice optometry, to engage in the practice of optometry, directly or indirectly, by employing or hiring upon a salary, commission, or other basis or by associating upon a lease or any other profit sharing arrangement with a licensed optometrist or licensed

physician. The provisions of this section shall not apply to cooperative or to non-profit associations or non-profit corporations.

Approved March 20, 1947.

OFFICES AND OFFICERS

CHAPTER 301

H. B. No. 335—(Callahan)

VACANCIES IN PUBLIC OFFICE AND CAUSES THEREOF AN ACT

To amend and reenact Section 44-0201 of the North Dakota Revised Code of 1943, relating to vacancies in public office and causes thereof; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 44-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

44-0201. VACANCIES; CAUSES THEREOF.] An office shall become vacant if the incumbent shall:

1. Die in office;
2. Be adjudged insane;
3. Resign from office;
4. Be removed from office;
5. Fail to discharge the duties of his office, when such failure has continued for sixty consecutive days, except when prevented from discharging such duties by reason of his service in the army, navy, or marine corps of the United States, by sickness, or by other unavoidable cause, provided, however, that as to any office which under the law the vacancy must be filled by the Governor, the Governor for good cause shown may extend the period, which the incumbent may be absent, for an additional period of sixty days. No remuneration on