

Tenth. To exclude from school and school libraries all books tracts, papers or other publications of an immoral or pernicious tendency, or of a sectarian or partisan character. Exclusion of certain books, etc.

Eleventh. To authorize the school room to be used for summer and night schools, literary, scientific, religious, political, mechanical or agricultural societies under such regulations as the board of directors may adopt. Use of school room for other purposes.

Twelfth. To require teachers to conform to the provisions of the school law.

SEC. 4. That section 2419 of Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows: Section 2419. The election of district directors and clerks shall, except as otherwise provided by law, be held on the second Saturday in May of each year at the district school house if there be one, or if there be none, or if more than one, then at a place to be designated by the board of directors. Special school elections shall be called and conducted in the manner provided for calling and conducting annual elections. Amendment.

SEC. 5. An emergency exists and this act shall take effect immediately. Elections, when held.

Passed the House February 5, 1901.

Passed the Senate February 20, 1901.

Approved by the Governor March 1, 1901.

CHAPTER XLII.

[H. B. No. 101.]

RELATING TO THE PRACTICE OF MEDICINE AND SURGERY.

AN ACT to amend an act entitled "An act to regulate the practice of medicine and surgery in State of Washington, and to license physicians and surgeons; to punish all people violating the provisions of this act, and to repeal all laws in conflict therewith, and declaring an emergency," approved April 10, 1890.

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

SECTION 1. That section 3 of the above entitled act be amended to read as follows: Section 3. Hereafter Amendment.

every person desiring to commence the practice of medicine and surgery, or either of them, in any of its or their branches, in this state, shall make a written application to said board for a license so to do. And each applicant for such license shall be not less than twenty-one years of age, shall furnish a certificate of good moral character, and shall be a graduate of some duly authorized medical college now having at least a three years' graded course. Such applicant at the time and place designated by said board, or at the regular meeting of said board, shall submit to an examination in the following branches: Anatomy, physiology, chemistry, histology, materia medica, therapeutics, preventive medicines, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, diseases of the eye and ear, medical jurisprudence, and such other branches as the board shall deem advisable. Said board shall cause said examination to be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice medicine and surgery; which examination shall be by written or printed, or partly written or partly printed questions and answers, and the same shall be filed and preserved of record in the office of the secretary of said board. After examination, if the same be satisfactory, said board shall grant a license to such applicant to practice medicine and surgery in the State of Washington, which said license can only be granted by the consent of not less than five members of said board, except as hereinafter provided, and which said license shall be signed by the president and secretary of said board, and attested by the seal thereof. The fee for such examination shall be ten dollars, and shall be paid by the applicant to the treasurer of said board toward defraying the expense thereof; and such board may refuse or revoke a license for unprofessional or dishonorable conduct, subject however to the right of such applicant to appeal from the decision of said board refusing or revoking such license as hereinafter provided: *Provided*,

Written appli-
cation.

Shall furnish
certificate.

Examination.

License.

Fee.

however, That in all cases where an applicant for a Proviso. license under this act shall produce and exhibit to the examining board, a certificate from a board of medical examiners appointed under the laws of any state of the United States and recognizing licenses from this state certifying to the fact that the person presenting such certificate is duly and well qualified to practice medicine and surgery, in the state issuing said certificate, and that said board issuing said certificate has subjected the applicant to a thorough examination to ascertain this fact, he or she may, at the discretion of the examining board upon paying the fee herein prescribed and otherwise complying with all the requirements of this act, receive from the examining board provided for in this act a license as if an examination of said applicant was had in this state, and upon filing said license with the clerk of the Superior Court as File license with clerk Superior Court. herein provided, he or she shall be a legally qualified practitioner of medicine and surgery in this state, subject to all the provisions of this act as to the revocation of said license as herein provided.

SEC. 2. That section 7 of said act be amended to read Amendment as follows: "Section 7. The person receiving said license shall before he or she commences the practice of medicine or surgery or any of their branches file the same, or a certified copy thereof, with the county clerk in and for the county where he or she resides, and said county clerk shall file said certificate, or copy thereof, Duties of county clerk. and enter a memorandum thereof giving the date of said license and name of the person to whom the same was issued, and the date of such filing, in a book to be provided and kept for that purpose; and said county clerk shall each year furnish, to the secretary County clerk to furnish list of certificates. of said board a list of all certificates on file in his office, and upon notice to him of a change of location or death of a person so licensed, or of the revocation of the license granted to such person, said county clerk shall enter, in the appropriate place in the record so kept by him, a memorandum of said fact, so that the records

kept by the county clerk shall correspond with the records of the board as kept by the secretary thereof. In case a person so licensed shall move into another county in this state, he or she shall procure from the county clerk a certified copy of said license, and file the same with the county clerk in the county to which he or she shall remove. Said county clerk shall file and enter the same with like effect as if the same were the original license. Proof of failure to file said license or copy thereof, with the county clerk as herein provided, shall be *prima facie* evidence of a violation of this act, and shall be punishable as provided herein. The county clerk's records shall be the only evidence required as proof of such failure to file, but may be rebutted by competent testimony.

SEC. 3. That section 8 of said act be amended so as to read as follows, to-wit: "Section 8. Any person practicing medicine or surgery or either of its or their branches within this state without first having obtained, and filed the license provided for in this act, or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than ninety days, or by both such fine and imprisonment. In all prosecutions under the provisions of this act, evidence that the defendant has failed to file a license with the county clerk as herein required, shall be *prima facie* evidence that the defendant is not a legally licensed practitioner. And each day of such illegal practice shall be deemed a separate offense under this act. All fines collected under the provisions of this act shall be paid into the state treasury for the use and benefit of the common schools of this state. Any person shall be deemed as practicing within the meaning of this act who shall have and maintain an office or place of business with his or her name and the words physician or surgeon "Doctor," "M. D." or "M. B." in public view, or shall assume or advertise the title of doctor or any

Removal to another county.

Failure to file.

Evidence required.

Amendment.

License.

Penalty.

Fines.

Definition of title.

title which shall show or shall tend to show that the person assuming or advertising the same is a lawful practitioner of any of the branches of medicine or surgery in such a manner as to convey the impression that he or she is a practitioner of medicine or surgery under the laws of this state; or any person who shall practice medicine or surgery under a false or assumed name, or under cover of the name of some legal practitioner, or personate any legal practitioner or for a fee prescribe or direct, or recommend for the use of any person any drug or medicine for the treatment, care or relief of any wound, fracture or bodily injury, infirmity or disease: *Provided however,* That this act shall not apply to dentists while confining themselves strictly to dentistry. Justices of the peace and the superior court shall have concurrent jurisdiction of violations of this act it shall be the duty of the respective county or district attorneys to prosecute all violations of this act. In cases of appeal to the superior court as hereinbefore provided it shall be the duty of the prosecuting attorney of the county wherein such appeal shall be tried to represent said board upon said appeal. And in all cases of appeal to the supreme court under the provisions of this act the attorney general shall represent said board upon such appeal.

Illegal practice.

Proviso.

Jurisdiction.

Appeal.

Passed the House February 8, 1901.

Passed the Senate February 14, 1901.

NOTE BY SECRETARY OF STATE.—This act vetoed by the Governor and passed over the Governor's veto by the House of Representatives on February 28, 1901; passed by the Senate over the Governor's veto on February 28, 1901.

SAM H. NICHOLS,
Secretary of State.