

benefits; providing for reserves of such societies; providing penalties; and repealing existing laws," and all acts or parts of acts, inconsistent herewith, are hereby repealed.

Section 15. Constitutional Construction.—The provisions of this act are severable, and if any of the provisions hereof are held to be unconstitutional, the decision shall not be construed to impair any other provision of this act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Constitutional
construction.

APPROVED—The 4th day of June, A. D. 1937.

GEORGE H. EARLE

No. 343

AN ACT

To further amend the act, approved the nineteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, forty-six), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery; further defining osteopathy; providing for issuing licenses to perform operative surgery to licensees of other states; requiring annual renewals of osteopathic surgeons' licenses; fixing fees; extending the functions and authority of osteopathic physicians and surgeons; and prescribing additional penal provisions.

Section 1. Be it enacted, &c., That section ten of the act, approved the nineteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, forty-six), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; to provide for the examining and licensing of osteopaths in this State; and to provide penalties for the violation of this act," as last amended by section one of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ninety-five), is hereby further amended to read as follows:

Section 10, act
of March 19,
1909 (P. L. 43),
as last amended
by section 1, act
of June 14, 1923
(P. L. 795),
further amended.

Section 10. Applicants examined and licensed by the State Boards of Osteopathic Examiners of other States, on the payment of a fee of fifty dollars to the State Board of Osteopathic Examiners, and filing in the office of the State Board of Osteopathic Examiners a copy of

Issuance
of license.
Fee.

said license, certified by the affidavit of the president or secretary of such board, showing also that the standard of requirements adopted by said board of examiners is substantially the same as is provided by section eight of this act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act.

[Candidates for license to practice osteopathy in this State, who present their applications and undergo examination after the first day of January, Anno Domini one thousand nine hundred and twelve, shall be obliged to present to the State Board of Osteopathic Examiners one of the following credentials satisfactory to the said board, covering their preliminary education prior to their beginning the study of osteopathy in some legally incorporated, reputable osteopathic college, to wit: A diploma of graduation from a reputable college or university granting the degree of bachelor of arts or science, or equivalent degree; or a diploma of graduation from an educational institution maintaining a four years' course of study equivalent to a standard four year high school course; that is, a State Normal School or a high school, a seminary, an academy, or a college preparatory school, or a certificate of having passed examination for admission to the freshman class of a reputable literary or scientific college or university; or a certificate of having passed an equivalent examination conducted by the Bureau of Professional Education. Nothing herein shall be construed as being incompatible with the following additional requirement, namely, that the preliminary education shall include one year's credits in physics, chemistry, and biology, as approved by the Bureau of Professional Education.]

Applicants for licensure after July 1, 1928.

Additional requirements.

After the first day of July, one thousand nine hundred and twenty-eight, applicants for licensure under the provisions of this act shall furnish, prior to any examination by the State Board of Osteopathic Examiners, satisfactory proof that he or she has had a general education of not less than a standard four years' high school course, or its equivalent, and not less than one year of college credits in chemistry, biology, and physics, all of which have been received before admission to osteopathic study. [On said date, the provisions of the foregoing paragraph of this section are hereby repealed.] *After the first day of July, one thousand nine hundred and forty-one, such applicants shall have had not less than two years of college credits, including one year in each of the subjects, chemistry, biology, and physics, all of which have been received before admission to osteopathic study.*

Section 11, as amended by section 2, act of June 14, 1923 (P. L. 795), further amended.

Section 2. Section eleven of said act, as amended by section two of the act, approved the fourteenth day of

June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ninety-five), is hereby further amended to read as follows:

Section 11. Every license to practice as an osteopathic physician, issued by the State Board of Osteopathic Examiners, shall authorize the holder thereof to practice osteopathy in all its branches, including minor surgery and obstetrics, without restriction, as the same is herein defined, and taught and practiced in the legally incorporated, reputable colleges of osteopathy; but it shall not authorize the holder thereof to practice operative surgery without obtaining an additional license to practice such surgery, as provided in section eleven (b) of this act. Any use or practice by osteopathic physicians of the agencies or means hereinafter named, as embraced within the fundamentals of the principles and practice of the system of osteopathy, when used for the purposes, in the manner, and to the extent as taught and practiced in the legally incorporated, reputable colleges of osteopathy, shall not be construed the practice of medicine, or deemed to be in violation of, or contrary to, any of the laws of this Commonwealth relating to the practice of medicine or regulating the public health.

Additional license to practice operative surgery.

Practice of osteopathy not to be construed as practice of medicine.

The word "osteopathy," as used in this act, means a complete and independent scientific system for the preservation of health and the relief and cure of bodily disorders, embracing a distinct etiology, prophylaxis, and therapeutics applicable to all types and conditions of disease, which in its practice deals with the human body as an intricate machine, holding as its foremost fundamental, (a) that the body when in perfect structural alignment will function correctly and health ensue; (b) that disease is the effect of anatomical abnormalities producing physiological discord, emphasizing malposed part or parts of the spinal column, its appendages and attachments, as the chief predisposing and producing cause of disease, to cure which the abnormal part or parts must be adjusted to the normal,—that [pathogenic] *pathogenic* bacteria are secondary to the predisposing anatomical cause; and (c) which regards and uses nondrug adjunctive measures as palliatives; (d) embraces obstetrics, *ophthalmology, subject, however, to the provisions herein as to surgery*, subscribes to sanitation and hygiene, and to surgery when indicated and practiced from an osteopathic viewpoint; (e) employs antiseptics, anaesthetics, and germicides in case of necessity and antidotes in case of poisoning; and (f) opposes the introduction of drugs into the body organism as curative agencies.

"Osteopathy" defined.

Section 3. Section eleven (b) of said act, as amended by section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-

Section 11 (b), as amended by act of April 27, 1925 (P. L. 316), further amended.

five (Pamphlet Laws, three hundred sixteen), is hereby further amended to read as follows:

Application for
license to
practice
operative
surgery.

Fee.

Section 11. (b) Any person licensed to practice osteopathy in this State, and desiring to enter upon the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy, may deliver to the Superintendent of Public Instruction, upon the payment of a fee of [twenty-five] *one hundred* dollars, or such fee as shall be fixed by the Superintendent of Public Instruction, a written application for license, together with satisfactory proof, in such form as may be required by the Osteopathic Surgeons' Examining Board, that the applicant has served for a period of not less than two years as an interne or assistant surgeon in an approved osteopathic hospital, which shall have at least ten beds per interne devoted to the treatment of diseases, shall maintain a thoroughly equipped modern pathological and clinical laboratory proportionate to the necessities of the hospital, and shall maintain a department of anaesthetists consisting of one or more anaesthetists, who shall have supervision over all the anaesthesia given in the institution, and whose duty it shall be to instruct all internes in the administration of anaesthetics. *After the first day of July, one thousand nine hundred and forty-one, all applicants shall, in addition to the requirements hereinabove set forth, have successfully completed one year of surgical training in some legally incorporated, reputable osteopathic college, or, in lieu of such qualifications, the applicant may submit proof as hereinbefore required that he has served for a period of not less than five years as an interne or assistant surgeon in any hospital, approved by the Osteopathic Surgeons' Examining Board, which shall meet the requirements hereinbefore set forth. All applicants, while serving as interne or assistant surgeon, shall be registered with both the State Board of Osteopathic Examiners and the Osteopathic Surgeons' Examining Board.*

Examination and
rating of
colleges and
hospitals for
graduate
students.

The Osteopathic Surgeons' Examining Board shall examine and fix the rating of all osteopathic colleges and hospitals for graduate students, and provide interne positions as hereinbefore provided for this inspection and rating, as it relates to surgery only. The same standard for graduates in medicine shall be used for examination by the Osteopathic Surgeons' Examining Board in the examination of the osteopathic graduates for licenses to practice surgery: Provided, That any person duly licensed as an osteopath, who has had at least five years of actual practice as a surgeon, may be examined by the board without being required to prove that he has had two years' experience as an interne or assistant surgeon in a hospital as hereinbefore provided.

Examination.

Thereupon the Osteopathic Surgeons' Examining

Board, if satisfied with said proof, shall admit said applicant to examination as to his or her qualifications for the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy. Such examination shall include the subjects of surgical diagnosis and operative surgery, and such other subjects as the said board may deem necessary to test the qualifications of the applicants. The Osteopathic Surgeons' Examining Board shall cause the Department of Public Instruction to issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five per centum, and who shall have been adjudged by the said board of examiners to be duly qualified for the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy, a license to practice such operative surgery in the State of Pennsylvania. Such license shall be issued and recorded in the same manner as licenses to practice osteopathy are now issued by the State Board of Osteopathic Examiners under the provisions of this act: Provided, however, That no such license shall be issued if any objection thereto is filed by the State Board of Osteopathic Examiners.

License to practice operative surgery.

Proviso.

[Each person to whom a license is issued to practice operative surgery by the Osteopathic Surgeons' Examining Board shall likewise register in the office of the prothonotary of the court of common pleas of the county or counties in which he or she desires to practice, by exhibiting to the prothonotary of said county or counties a license duly granted to him or her as hereinbefore provided, whereupon he or she shall be entitled, upon the payment of one dollar, to be duly registered in the office of the prothonotary of the court of common pleas of said county or counties as an osteopathic surgeon.]

Every license issued by said board to practice surgery shall authorize the holder thereof to practice major or operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy; and the use of anaesthetics, antiseptics, narcotics, and germicides, when used for the purposes, in the manner, and to the extent, only as taught and practiced under surgical procedure in the legally incorporated, reputable colleges of osteopathy, shall not be considered the practice of medicine, or in violation of any of the laws relating to the practice of medicine or regulating public health.

Effect of license.

Any osteopathic physician who has been practicing operative surgery for a period of not less than seven years, prior to the passage of this act, shall not be required to take the examinations required by this section, and shall be eligible to appointment as a member of the Osteopathic Surgeons' Examining Board.

Osteopathic physician who has practiced seven years.

Applicants examined and licensed by the osteopathic surgeons' examiners of any other state where such examiners exist, separate from the osteopathic physicians' examiners, on the payment of a fee of two hundred dollars (\$200.00), and the filing with the Osteopathic Surgeons' Examining Board of this Commonwealth a copy of such license, certified by the president or secretary of the examiners of such other state, showing that the standard of requirements adopted by such examiners is substantially the same as is provided by this act, shall without further examination receive a license conferring on the holder thereof the right to practice operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy.

Every person now or hereafter licensed under the provisions of this act to practice operative surgery shall register as such practitioners with the Osteopathic Surgeons' Examining Board, on or before the first day of January, one thousand nine hundred and thirty-eight, and annually thereafter, on or before the first day of January of each succeeding year. The form for such registration shall be prescribed and furnished by the board. The annual registration fee shall be ten dollars (\$10.00), or such other sum as shall be fixed by the Department of Public Instruction under authority of law. The fee shall in all cases accompany the application for such registration.

Section 12, as amended by section 4, act of June 14, 1923 (P. L. 795), further amended.

Section 4. Section twelve of said act, as amended by section four of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ninety-five), is hereby further amended to read as follows:

Force and effect of reports and certificates.

Section 12. Osteopathic physicians and osteopathic surgeons shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, the same as physicians of other schools, and all such reports and certificates, when made or issued by osteopathic physicians licensed under the laws of the Commonwealth, shall be accepted by the persons, partnerships, corporations, or by the officers, boards, bureaus, or departments of the State, or of any of its political subdivisions to whom the same are made, with the same force and effect as reports or certificates issued by physicians of other schools; and such osteopathic physicians shall be entitled to the same fees and compensation as is provided by law for physicians of any other school.

Fees and compensation.

[Provided, That no report or certificate made under the provisions of this section, in connection with a case involving operative surgery, shall be valid unless the

same is made by an osteopathic surgeon duly licensed to practice operative surgery under the provisions of this act.]

Section 5. Section fourteen of said act, as amended by section five of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, seven hundred ninety-five), is hereby further amended to read as follows:

Section 14. On and after the approval of this act, the State Board of Osteopathic Examiners shall refuse to grant a license to an applicant to practice osteopathy in this State, and is empowered to revoke a license conferring on a person the right to practice osteopathy, upon the presentation to said State Board of Osteopathic Examiners of a court record showing the conviction, in due course of law, of said person for procuring, aiding, or abetting in producing a criminal abortion or miscarriage, by any means whatsoever. The State Board of Osteopathic Examiners, upon such evidence and proof, shall cause the name of said convicted licentiate to be removed from the record in the office of any prothonotary in the State. The State Board of Osteopathic Examiners may refuse, revoke, or suspend the right to practice osteopathy in this State upon any or all of the following reasons, to wit: The conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits or stimulants, narcotics, or any other substance which impairs intellection and judgment, to such an extent as to incapacitate the performance of professional duties; the violation of the practice of the principles of the system of osteopathy as defined in this act; *misrepresentation; unethical conduct, or misleading or fraudulent advertising in the practice, as determined by the board.* Any person who is a licentiate under this act, or who is an applicant for examination for licensure to practice osteopathy in this State, against whom any of the foregoing charges are preferred, for causing the revocation or suspension of license or for causing the refusal of the right to be examined for licensure, shall be furnished by the State Board of Osteopathic Examiners with a copy of the complaint, and shall have a hearing before said board, in person or by attorney, and witnesses may be examined by said board respecting the guilt or innocence of said accused. The suspension of license of any licentiate under this act shall be removed when said narcotic or vicious habit, hereinbefore specified, shall have been adjudged by the proper authorities to be cured or overcome, and said suspended licentiate deemed again capable of practicing the healing art.

Section 15. All acts or parts of acts inconsistent *with this act* [herewith be and the same] are hereby repealed.

Section 14.
as amended by
section 5, act of
June 14, 1923
(P. L. 795),
further amended.

Refusal to
grant license.

Revocation.

Criminal record.

Reason for
refusing,
revoking or
suspending
license.

Complaint.
Hearing.

Repeals.

When effective. Section 6. This act shall become effective upon final enactment.

APPROVED—The 5th day of June, A. D. 1937.

GEORGE H. EARLE

No. 344

AN ACT

Imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores, theatre or theatres, as herein defined; prescribing the method and manner of collecting such tax and its disposition, including an appropriation for the purpose of administering this act; and providing penalties.

Be it enacted, &c., That,

Section 1. Short Title.—This act shall be known, and may be cited, as the "Store and Theatre Tax Act."

"Store and
Theatre Tax
Act."
Definitions.

Section 2. Definitions. — The following words, terms, and phrases, when used in this act, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Association." A partnership, limited partnership, or any other form of unincorporated enterprise owned by two or more persons.

"Corporation." A corporation or joint-stock association organized under the laws of this Commonwealth, the United States, or any other state, territory, or foreign country, or dependency.

"Department." The Department of Revenue of this Commonwealth.

"Person." Every natural person, association, corporation, receiver or assignee.

"Store." Any place of business or any mercantile establishment in which, or from which, tangible personal property of any kind is sold: Provided, however, That the term "store," as and when used in this act, shall not include places of business commonly known as newsstands, and warehouses or establishments at which the sole business conducted is that of selling, storing or distributing commodities in bulk.

"Theatre." Any building or place for the production of theatrical entertainment, including opera, drama, comedy, vaudeville, motion pictures or other shows, or a combination thereof.

The singular shall include the plural, and the masculine shall include the feminine and neuter.

Section 3. License.—It shall be unlawful for any person to open, establish, operate, maintain or control any store or theatre in this Commonwealth without first

Must secure li-
cense in order to
operate a store
or theatre.