

Housing Authority Veterans' Fund, to be used for the purposes of this Act.

Section 8. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved April 3, 1946.

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## CHAPTER 34

### AN ACT

[H. B. 39]

To define the terms "Basic Sciences," "Practicing Healing" and "Practice of Healing," as used herein: to regulate within the Territory the practice of healing as so defined, prescribe the terms and conditions upon which the same may be pursued and prohibit all persons from in any manner engaging therein within the Territory, except in compliance with such terms and conditions; to establish a Territorial Board of Examiners in the "Basic Sciences" as defined herein, define its powers, prescribe its duties, provide for the appointment of its members and fix their terms and compensation; and in certain respects defining the powers and prescribing the duties of Boards for any branch or system of healing, now existing or hereafter established, and of certain other officers; and providing for the enforcement of this Act and penalties for its violation; and declaring an emergency.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. Wherever the term "Basic Sciences" is used in this Act and not otherwise specifically defined, the same shall be understood and construed to mean and include all matters pertaining to anatomy, physiology, pathology, bacteriology, hygiene or chemistry, so far as the same relates to the human system or mind

Basic Sciences  
defined.

as generally treated in each or all of said subjects. Wherever the term "Practicing Healing" or "Practice of Healing" is used in this Act unless otherwise specifically defined, the same shall be understood and construed to mean and include any person not hereinafter excepted from the provisions of this Act who shall in any manner for any fee, gift, compensation or reward or in expectation thereof, engage in, or hold himself out to the public as being engaged in, the practice of medicine or surgery, the practice of osteopathy, the practice of chiropractic, the practice of any legalized method of healing or the diagnosis, analysis, treatment, correction or cure of any disease, injury, defect, deformity, infirmity, ailment or affliction of human beings or any condition or conditions incident to pregnancy or childbirth or examination into the fact, condition or cause of human health or disease, or who shall, for any fee, gift, compensation or reward or in expectation thereof, suggest, recommend or prescribe any medicine or any form of treatment, correction or cure therefor; also any person or persons, not hereinafter excepted from the provisions of this Act individually or collectively who maintains an office for the reception, examination, diagnosis or treatment of any person for any disease, injury, defect, deformity or infirmity of body or mind, or who attaches the title of Doctor, Physician, Surgeon, Specialist, M. D., M. B., D. O., D. C., or any other work, abbreviation or title to his name indicating or designed to indicate that he is engaged in the practice of healing.

Persons and  
practices covered  
by this Act.

Section 2. There is hereby created a Board to consist of five members, residents of the Territory of Alaska, to be known as the Territorial Board of Examiners in the Basic Sciences. Such Board shall consist of one layman who shall be the executive officer and chairman thereof, and four additional members, who shall be appointed by the Governor by and with the advice and consent of the Legislature. Two of said members shall

Board created  
for examinations.

be Doctors of Medicine and Surgery, one Doctor of Osteopathy, and one Doctor of Chiropractic, each of whom shall have practiced his respective profession in this Territory for a period of at least five years prior to his appointment. First appointments shall be made as soon as may be after this Act shall take effect.

**Terms of office.**

The terms of office of the members first appointed shall begin when they are appointed and qualified and shall continue thereafter for the following periods: Three members until February 1, 1948, and two members until February 1, 1950. Upon the expiration of such terms and of all terms thereafter, the Governor shall appoint a successor to the member whose term expires, for a term of four years. Vacancies in said Board shall be filled by appointment by the Governor within thirty days after such vacancies occur, for the balance of the unexpired term and each member shall serve until his successor qualifies.

**Vacancies, how filled.**

Said Board shall elect a secretary-treasurer from its members and shall have a common seal. The chairman and secretary-treasurer shall have the power to administer oaths.

**Examinations held in Juneau annually.**

Section 3. The said Board shall hold examinations at least once in each year, if there are applicants, at Juneau, Alaska, or at such other place as the Board shall designate. Said Board shall have authority to prescribe such reasonable rules and regulations relative to the examination of applicants in the Basic Sciences, and such other regulations, as may be found necessary for the performance of its duties, and shall have authority to fix the time, place and notice to be given to applicants, of all examinations. Other meetings of the Board shall be held at such time and place as to it may seem necessary or desirable. Three members of said Board shall constitute a quorum for the transaction of

all business that may properly come before said Board, except the issuance of certificates.

Section 4. The Board shall preserve a record of all of its proceedings and shall maintain a record which shall show the name, age, place of residence and duration thereof, of each applicant for certificate and his educational qualifications and the result of each examination. The said Board shall report annually to the Governor, furnishing an itemized account of all moneys received and disbursed, with a complete record of the proceedings of the said Board for the preceding year; and the treasurer shall furnish a bond to be fixed and approved by the Governor and files in his office. The Board may appoint and fix the salaries of such expert assistant or assistants as it may deem necessary to carry out the purposes of this Act, and such employees shall hold their position at the pleasure of the Board. The compensation of each member of the Board shall be \$10.00 for each day actually spent in the performance of his duties, including all the time away from his place of residence, for attendance at meetings, together with per diem and travel expense payable in accordance with vouchers approved by the Chairman or the secretary-treasurer of the Board.

Records to be kept by Board.

Board may hire experts.

Expenses of Board members.

Section 5. Any person not hereinafter excepted from the provisions of this Act desiring to practice healing in this Territory shall apply to the secretary of the Territorial Board of Examiners in the Basic Sciences, on blank forms prepared and furnished by said Board, to be examined in the Basic Sciences at the next examination therein following the making of such application and for a certificate of registration in the Basic Science, accompanying such application with a fee of \$25.00 and sufficient and satisfactory proof that the applicant is 21 years of age or over, is a citizen of the United States, is of good moral character and has an education equiva-

Application for examination, data required.

lent to graduation from an accredited high school of the Territory, provided that no applicant shall be required nor requested to disclose in such application the professional college or university he may have attended nor the branch or system of healing which he intends to pursue. Examinations shall be in the Basic Sciences only and may be both written and by demonstration or other practical test, as the Board may determine.

Basic Science  
only subject for  
examination.

Section 6. The examining committee shall conduct the examinations in Anatomy, Physiology, Chemistry, Pathology and Hygiene, provided that if the examining committee shall deem it more advantageous, the committee may prepare and transmit to the chairman, the examination questions agreed upon by said committee, and the chairman may conduct the examination herein provided for and thereafter forthwith transmit the examination papers, identified by number only and not by the name of the person examined, to the examining committee, who shall thereupon examine and grade the same and transmit such grades to the chairman within ten days after the receipt thereof.

Subjects of  
examination.

Section 7. If in such examination the applicant attains a grade of 75% in each subject he shall receive a certificate of registration in the Basic Sciences, signed by the president and secretary and sealed with the seal of said Board. If he fails in one or two subjects only, he may be re-examined in the subject or subjects in which he failed, at any examination within one year without further application or examination fee, and upon attaining a grade of 75% therein, he shall receive his certificate of registration in the Basic Sciences. If he fails in three or more of the subjects, he may make a new application for examination in all subjects and again pay the secretary-treasurer of said Board the examination fee of \$25.00.

Requirements of  
applicants to  
qualify.

Section 8. Any person not hereinafter excepted from the provisions of this Act in this Territory on the date this Act takes effect, and who was on that date regularly licensed by some branch of the profession then requiring license, and who is in active practice one year in the Territory of Alaska except those who interrupted their practice in Alaska to serve in the Armed Forces, shall upon application as herein provided, receive from the Territorial Board of Examiners in the Basic Sciences a certificate of registration in the Basic Science without examination therein, provided, however, that on or before July 1, 1946, every such person shall apply to the secretary of said Board for such certificate of registration, accompanying such application with sufficient and satisfactory evidence that he was on the date of the passage and approval of this Act, lawfully and regularly licensed according to law as an osteopath or by any branch or system of healing then having a licensing Board in this Territory, together with a fee of \$5.00. Each certificate of registration shall state that registration is made under this provision and without examination in the Basic Sciences, provided, however, that the Territorial Board of Examiners in the Basic Sciences may, after said date of July 1, 1946, issue such certificate to one who would have been entitled thereto under the provisions of this section, upon good and sufficient cause being shown for failure to make application by said date of July 1, 1946.

Certificate issued without exam to those now practicing in Territory.

Alaskans in armed forces to receive certificate.

Section 9. The Territorial Board of Examiners in the Basic Sciences may issue a certificate of registration in the Basic Sciences without examination therein to an applicant who presents sufficient and satisfactory evidence of having passed examinations in the Basic Sciences as defined by this Act before the National Board of Medical examiners or a legal examining board or officer of another territory, state, or foreign country are determined by said Board to be as high as those

Certificate issued have passed to those who recognized Basic Science examination.

of this Territory, and if such other territory, state or foreign country shall be then according a like privilege to persons licensed to practice healing under the authority of the laws of this Territory, and who presents sufficient and satisfactory proof that he is 21 years of age or over, is a citizen of the United States, and is of good moral character, accompanying the application with a fee of \$25.00 to the secretary-treasurer of said Board.

Basic Science certificate a prerequisite to all healing.

Section 10. No examining board for any branch or system of healing, now existing or hereafter established, shall admit to its examinations or license or register any applicant for examination by such Board unless such applicant first presents to it a certificate of registration in the Basic Sciences. Any such board shall not require of the applicant another examination in any of the Basic Sciences.

Certificate filed with Auditor.

Section 11. Every person holding a certificate of registration under this Act shall before he or she commences the practice of healing, have the same or a certified copy thereof, filed with the Territorial Auditor, and said Territorial Auditor shall file and preserve such certificate and enter a memorandum thereof, giving the date of said certificate, together with the name and address of the party holding the same, in a book to be provided for that purpose.

Penalty for practicing without Basic Science certificate.

Section 12. Any person not hereinafter specifically excepted from the provisions of this Act, who shall practice healing as herein defined, in this Territory without having first obtained a certificate of registration in the Basic Sciences as provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$1,000.00, or imprisoned in jail for not more than one year, or both such fine and imprisonment; and in all prosecutions under this section evidence that the defendant has

failed to file his certificate of registration in the Basic Sciences, as herein required, shall be prima facie evidence that the defendant is not a regularly licensed practitioner.

Section 13. All fees for certificates hereafter collected by said Board shall be deposited with the Territorial Treasurer.

Section 14. Nothing in this Act shall be construed to apply to physicians and surgeons or other practitioners of the healing arts, in the United States Army or Navy or of the United States Public Health Service or other officials or employees of the United States, or physicians, members of the Territorial Department of Health, while acting in the performance of their duties; nor to regularly qualified physicians of other states called into consultation by registered physicians of this Territory; or to the practice of the religious tenets of any church exclusively by mental or spiritual means; nor shall this Act apply to nurses, chiropodists, dentists, optometrists, barbers, cosmeticians, druggists, pharmacists and masseurs, so long as those who are hereby excepted from the provisions of this Act confine their activities within the scope of their respective licenses which they may now have or may hereafter procure or, if not licensed, so long as they confine their activities within the ordinary scope of said occupations respectively; nor shall this Act prohibit any person from using antidotes or rendering gratuitous service in case of an emergency.

Exemptions of  
the Act.

Section 15. This Act is supplementary to existing laws and not a repeal thereof except in so far as the provisions of existing laws may be inconsistent with the provisions hereof; provided, however, that this Act shall not operate to supplement, repeal, modify or in any way affect existing laws regulating the professions exempted by Section 14 of this Act.

Section 16. The various provisions of this Act shall be severable and if any part or provisions shall be held to be invalid it shall not be held to invalidate any other part or provisions hereof.

Saving clause.

Fraud under this Act, penalties.

Section 17. FRAUDULENT CERTIFICATES FORBIDDEN. Any person who obtains or attempts to obtain a basic science certificate by dishonest or fraudulent means, or who forges, counterfeits, or fraudulently alters any such certificate, shall be fined not more than \$500.00 or imprisoned not more than six months, or both, in the discretion of the Court.

Emergency clause.

Section 18. An emergency is hereby declared to exist and this Act shall be in effect from and after its passage and approval.

Approved April 3, 1946.

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## CHAPTER 35

### AN ACT

[H. B. 56]

To amend Subsection (1) of Section 4651, Compiled Laws of Alaska, 1933, relative to the descent and distribution of real property.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. Subsection (1) of Section 4651 of the Compiled Laws of Alaska, 1933, is hereby amended to read as follows:

Widows of intestate, right to real property.

(1) If the intestate leave a widow and issue, such widow shall be entitled to receive one-half of the residue of such real property,