

Amendments to Constitution

and

Proposed Statutes

with

Arguments Respecting the Same

To be Submitted to the Electors of the State of California at the
General Election on

TUESDAY, NOVEMBER 2, 1920

Index, ballot titles with numbers, and certificate appear in last pages
Proposed changes in provisions are printed in black-faced type
Provisions proposed to be repealed are printed in italics

ARGUMENT AGAINST AMENDMENT OF INITIATIVE PROVISIONS.

"All power is inherent in the people."
—Constitution of the State of California.
(Adopted 1879.)

This amendment is a deadly attack upon democracy in California. It asks the people to surrender control over taxation—the most important function of government.

To raise the percentage of signatures on initiative petitions from 8 per cent to 25 per cent would make such petitions impossible to obtain except by the richest and most powerful interests. Eight per cent requires about 80,000 signatures, 25 per cent would require about 250,000 signatures, or one out of every four voters in the state. Experience has shown that practically two signatures for every one required must be secured to overcome the errors natural to such petitions. If adopted the amendment cannot be modified or repealed except by a 25 per cent petition.

It applies to all petitions relating to the assessment and collection of taxes. Since our whole state government is dependent upon taxation, the courts might rule that it would apply to all state legislation, and thus our whole initiative procedure would be destroyed.

The people of the state adopted the initiative, referendum, and recall in 1911, by a vote of three to one. In the nine years since the adoption of the initiative but thirty measures have been initiated, and of these but eight were adopted. The large majority of amendments on the ballot were submitted by the legislature. Not one of the eight laws initiated by the people has proved injurious or unwise. When undesirable measures, or legislation representing small groups only, have been placed upon the ballot,

they have been defeated. The people have used the initiative intelligently and cautiously, and can be trusted to legislate even upon such an important matter as taxation.

If this amendment should carry all power of direct legislation concerning taxation would be taken from the people and vested entirely in the legislature, where fourteen senate votes can prevent and defeat any plan of taxation, even though the people as a whole might desire changes in our tax laws.

The argument that the amendment is intended to defeat single tax is misleading and unwarranted by facts. Single tax has been repeatedly defeated in California by large majorities. It is not necessary to destroy the initiative in order to defeat single tax.

This same amendment was introduced at the last session of the legislature where it was recognized as an attempt to destroy the initiative and defeated. It received but fourteen votes in the Senate and was killed in committee in the Assembly. The Governor opposed it and said: "The proposed amendment contains a blow at the fundamental principles of the initiative."

Twenty-three states have adopted the initiative. In most states the percentage is the same as in California. No state requires 25 per cent. No state or municipality having adopted the initiative has repealed it.

California is a pioneer state in democratic legislation. If this amendment is adopted it will be a backward step and will take from the people of the state a right of self-government which is recognized throughout the world today, and is being adopted by all progressive peoples.

Defend democracy in California. Vote "No" on Proposition No. 4.

(Dr.) JOHN R. HAYNES,
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CHIROPRACTIC. Initiative act. Creates Board of Chiropractic Examiners

appointed by Governor and paid from receipts under act; prescribes powers and duties thereof and prohibits practice of chiropractic without license therefrom; regulates issuance of such licenses; requires licensees to observe state and municipal regulations relating to control of contagious and infectious diseases and authorizes them to sign birth and death certificates and use natural agencies and manual and mechanical means and manipulations as auxiliaries in their practice; declares other methods of healing, and chiropractors licensed under other acts, not affected hereby; prescribes penalties and repeals all conflicting legislation.

YES	
NO	

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election. The proposed measure is as follows:

PROPOSED LAW.
(Proposed changes from provisions of present laws are printed in black-faced type.)

An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

Section 1. A board is hereby created to be known as the "State board of chiropractic examiners" hereinafter referred to as the

board, which shall consist of five members appointed by the governor. Each member must have pursued a resident course in a regularly chartered chiropractic school or college, and must be a graduate thereof and hold a diploma therefrom.

Each member must have practiced chiropractic in the State of California for a period of three years next preceding the date upon which this act takes effect. Not more than one member may be a graduate of any one chiropractic school, nor may more than two members be residents of any one county of the state. And no person connected with any chiropractic school or college is eligible to appointment as a member of the board. Each member of the board shall receive a per diem of ten dollars for each day during which he is actually engaged in the discharge of his duties; and mileage at the rate of three cents per mile for each mile necessarily traveled in going to and from meetings of the board, such per diem and mileage and other incidental expenses of the board or of its members to be paid out of the fund of the board, and not otherwise.

Section 2. Within thirty days of the date upon which this act takes effect, the governor shall appoint the members of the board. Of the members first appointed one shall be appointed for a term of one year, two for two years and two for three years. Thereafter, each appointment shall be for the term of three years, except that an appointment to fill a vacancy shall be for the unexpired term only. Each member shall serve until his successor has been appointed and qualified. The governor may remove a member from the board after receiving sufficient proof of the inability or misconduct of said member.

Section 3. The board shall convene within thirty days after the appointment of its members, and shall organize by the election of a president, vice-president and secretary, all to be chosen from the members of the board. Thereafter elections of officers shall occur annually at the January meeting of the board. A majority of the board shall constitute a quorum. The secretary shall receive a salary to be fixed by the board in an amount not exceeding one thousand dollars per annum, but not per diem, and shall give bond to the state in such sum and with such sureties as the board may deem proper. He shall keep a record of the proceedings of the board, which shall at all times during business hours be open to the public for inspection. He shall keep a true and accurate account of all funds received and of all expenditures incurred or authorized by the board, and on the first day of December of each year he shall file with the governor a report of all receipts and disbursements and of the proceedings of the board for the preceding fiscal year.

Section 4. The board shall have power:

(a) To adopt a seal, which shall be affixed to all licenses issued by the board.

(b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, copies of such rules and regulations to be filed with the secretary of state for public inspection.

(c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.

(d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.

(e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

Section 5. It shall be unlawful for any person to practice chiropractic in this state unless he shall have first obtained a license as provided in this act. Any person wishing to practice chiropractic shall make application to the board fifteen days prior to any meeting thereof, upon such form and in such manner as may be provided by the board. Each application must be accompanied by a license fee of twenty-five dollars and a certificate showing good moral character of the applicant. Except in the cases herein otherwise prescribed each applicant shall be a graduate of a chartered chiropractic school or college which teaches a course of two thousand hours or more, and he must give documentary proof of having attended not less than ninety per cent of two thousand hours.

The schedule of minimum educational requirements to enable any person to practice chiropractic in this state is as follows to wit, except as herein otherwise provided:

Anatomy	600 hours
Histology	100 hours
Elementary chemistry and toxicology	100 hours
Physiology	200 hours
Bacteriology	60 hours
Hygiene and sanitation	40 hours
Pathology	200 hours
Diagnosis or analysis	400 hours
Chiropractic theory and practice	300 hours
Total	2000 hours

Section 6. (a) The board shall meet at a board of examiners on the first Tuesday following the second Monday of January and July each year, and at such times and places as may be found necessary for the performance of their duties.

(b) Each application shall be designated a number instead of the name, so that identity will not be disclosed to the examinee until the papers are graded.

(c) Except in cases herein otherwise prescribed all examinations shall be in writing, the subjects of which shall be as follows: anatomy, physiology, pathology, diagnosis or analysis, elementary chemistry and toxicology, bacteriology, histology, hygiene and sanitation, and chiropractic theory and practice, as taught in chiropractic colleges. A license shall be granted to any applicant who shall make a general average of seventy-five per cent, and not below sixty per cent in more than two branches of said examination. Any applicant failing to make the required grade, shall be given credit for the branches passed, and may, without further cost, take the examination at a subsequent date on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of one per cent on the general average. Any chiropractor who meets the requirements set forth in this section of this act, and who shall have pursued a resident course of at least two hundred hours in obstetrics, and who shall make a grade of seventy-five per cent in an examination in obstetrics conducted by the board, is authorized to practice obstetrics under the provisions of this act.

Section 7. Any person who, within six months of the date upon which this act takes effect, shall present to the board a diploma and proof of having pursued a resident course of at least one thousand hours in a legally chartered chiropractic school, and who shall present affidavits of good moral character and shall pay to the secretary of the board the sum of twenty-five dollars, shall be given an oral, practical and clinical examination, and if he, or she makes a grade of seventy-five per cent in such examination, shall be granted a license to practice chiropractic in this state under the provisions of this act.

Section 8. Notwithstanding any provision contained in any other section of this act the board, upon receipt of the fee of twenty-five dollars, shall issue a license to any of the following named persons:

(a) To each member of the board.

(b) To any person licensed to practice chiropractic under the laws of another state, having the same requirements as prescribed in this act.

(c) To any person who shall have practiced chiropractic for six years, two years of which shall have been in this state immediately preceding the date upon which this act takes effect, and who presents his diploma as proof of having pursued a resident course in a legally chartered chiropractic school or college, and proof of good moral character, providing he applies within six months of the date upon which this act takes effect.

Section 9. (a) The board may refuse to grant or may revoke a license to practice chiropractic in this state or may cause licensee's name to be removed from all records of practitioners of chiropractic in the state upon any of the following grounds, to wit: The employment of fraud or deception in applying for a license or in passing an examination provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants; or an extent of disability which incapacitates him from performance of his professional duties. Any person who is a licensee, or who is an applicant for a license to practice chiropractic, and

whom any of the foregoing grounds for revoking or refusing a license is presented to the board with a view of having the board revoke or refuse to grant a license, shall be furnished with a copy of the complaint and shall have a hearing before the board in person or by an attorney, and witnesses may be examined by the board respecting the guilt or innocence of the accused.

(b) At any time after two years following the refusal or revocation or cancellation of registration under this section, the board may by a majority vote, issue a new license or grant a license, to the person affected, restoring him to, or conferring on him all the rights and privileges of, and pertaining to the practice of chiropractic as regulated by this act. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars upon the issuance of a new license.

Section 10. (a) Every person who shall receive a license from the board shall have it recorded in the office of the county clerk of the county in which he resides and shall have it likewise recorded in the counties into which he shall subsequently move for the purpose of practicing chiropractic.

(b) The failure or the refusal on the part of the holder of a license to have it recorded before he shall begin to practice chiropractic in this state, after having been notified by the board to do so, shall be sufficient ground to revoke or cancel a license and to render it null and void.

(c) The county clerk of each county in this state shall keep for public inspection, in a book provided for that purpose, a complete list and description of the licenses recorded by him. When any such license shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of the date when such license was presented for record.

Section 11. Chiropractic licensees shall observe and be subject to all state and municipal regulations relating to the control of contagious or infectious diseases, may sign birth and death certificates, and shall report any and all matters pertaining to public health to the proper health officers, and may diagnose and use such natural agencies as water, food, heat, electricity, manual and mechanical means and manipulations as auxiliaries in their practice under the provisions of this act.

Section 12. All examination fees received by the board under this act shall be paid to the secretary of said board, who shall at the end of each month deposit the same with the state treasurer, and the state treasurer shall place the money so received in a special fund, to be known as the "state board of chiropractic examiners' fund," and shall pay the same out on warrants issued by the president and secretary of the board. The moneys so received and placed in said fund may be used by the board in defraying their expenses in carrying out the provisions of this act.

Section 13. Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain a license to practice chiropractic, whether recorded or not, or who shall use the title "Chiropractor" or "D.C." or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this act, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than two hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than one year, or both. All subsequent offenses shall be punished in like manner. Nothing in this act shall be construed to interfere with any other method or mode of healing in this state, or with chiropractors who are included under the several

Sections 14. It shall be the duty of the several district attorneys of this state to prosecute all persons charged with the violation of any of the

provisions of this act. It shall be the duty of the secretary of the board, under the direction of the board, to aid said attorneys in the enforcement of this act.

Section 15. All acts or parts of acts in conflict herewith are hereby repealed.

EXISTING PROVISIONS.

Sections seven, nine, ten, eleven, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-two and twenty-four of the state medical practice act, approved June 7, 1913, as amended, which is proposed to be modified in so far as the act relates to issuance of certificates to chiropractors, and regulation of the practice of chiropractic, read as follows: (Provisions differing from proposed chiropractic act are printed in italics.)

Sec. 7. Every applicant for a certificate shall pay to the secretary of the board a fee of twenty-five dollars (\$25), which shall be paid to the treasurer of the board by said secretary. In case the applicant's credentials are insufficient or in case he does not desire to take the examination, the sum of ten dollars (\$10) shall be retained, the remainder of the fee being returnable on application.

Sec. 9. Every applicant must file with the board, at least two weeks prior to the regular meeting thereof, satisfactory testimonials of good moral character, and a diploma or diplomas issued by some legally chartered school or schools approved by the board, the requirements of which school or schools shall have been at the time of granting such diploma or diplomas, to no degree less than those required under this act, or satisfactory evidence of having possessed such diploma or diplomas, and must file an affidavit stating that he is the person named in said diploma or diplomas, and that he is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination without fraud or misrepresentation; provided, further, that an applicant for a "drugless practitioner certificate" must show that he has attended two courses of study, each such course to have been of not less than thirty-two weeks duration, but not necessarily pursued continuously or consecutively, and that at least ten months shall have intervened between the beginning of any course and the beginning of the preceding course;

The said application shall be made upon a blank furnished by said board and it shall contain such information concerning the medical instruction and the preliminary education of the applicant as the board may by rule prescribe. In addition to the requirements hereinabove provided for, applicants for any form of certificate hereunder shall present to said board at the time of making such application a diploma from a California high school or other school in the State of California requiring and giving a full four years' course of same grade, or other schools elsewhere, requiring and giving a full four years' standard high school course, or its equivalent, approved by the board, together with satisfactory proof that he is the lawful holder of such diploma, and that the same was procured in the regular course of instruction. The passing of an examination before the entrance examining board for the entrance to the academic department of the University of California, or Stanford University or the University of Southern California, or the possession of documentary evidence of admission to the academic department of such institutions as a regular student or in full standing shall be sufficient in lieu of preliminary educational qualifications. In lieu of such diploma, the applicant may present: (1) a certificate from the college entrance examination board, or the college examining board of any state or territory showing that such applicant has successfully passed the examination of said board, or (2) if such applicant be thirty years or more of age, he may show to the satisfaction of the board of medical examiners proof of preliminary education sufficient in training power to the foregoing requirements.

Sec. 10. Applicants for any form of certificate shall file satisfactory evidence of having pursued in any legally chartered school or schools, approved by the board, a course of instruction covering and including the following minimum requirements:

For a "Drugless Practitioner Certificate."

Group 1. 600 hours.	
Anatomy	485 hours
Histology	115 hours
Group 2. 270 hours.	
Elementary chemistry and toxicology	70 hours
Physiology	200 hours
Group 3. 235 hours.	
Elementary bacteriology	40 hours
Hygiene	45 hours
Pathology	150 hours
Group 4. 370 hours.	
Diagnosis	370 hours
Group 5. 260 hours.	
Manipulative and mechanical therapy	260 hours
Group 6. 265 hours.	
Gynecology	100 hours
Obstetrics	165 hours
Total	2,000 hours

In the course of study herein outlined the hours required shall be actual work in the classroom, laboratory, clinic or hospital, and at least eighty (80) per cent of actual attendance shall be required; provided, that the hours herein required in any subject need not exceed seventy-five (75) per cent of the number specified, but that the total number of hours in all the subjects of each group shall not be less than the total number specified for such group.

*Sec. 11. In addition to above requirements,

All applicants for "drugless practitioner certificates" must pass an examination in the following subjects:

1. Anatomy and histology.
2. Physiology.
3. General diagnosis.
4. Pathology and elementary bacteriology.
5. Obstetrics and gynecology.
6. Toxicology and elementary chemistry.
7. Hygiene and sanitation.

All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice his profession, and shall be conducted in the English language, and at least a portion of the examination in each of the subjects shall be in writing. The board in its discretion upon the submission of satisfactory proof from the applicant that he is unable to meet the requirements of the examination in the English language, may allow the use of an interpreter either to be present in the examination room or to thereafter interpret and transcribe the answers of the applicant. The selection of such interpreter is to be left entirely to the board and the expenses thereof to be borne by the applicant, the payment therefor to be made before such examination is held. There shall be at least ten questions on each subject, the answers to which shall be marked on a scale of zero to one hundred. Each applicant must obtain no less than a general average of seventy-five per cent, and not less than sixty per cent in any two subjects; provided, that any applicant shall be granted a credit of one per cent upon the general average for each year of actual practice since graduation; provided, further, that any applicant for "drugless practitioner certificates" obtaining seventy-five per cent each in five subjects shall be subsequently re-examined in those subjects only in which he failed, and without additional fee. Any person who at any time prior to January 1, 1916, shall pay to the secretary of said board the sum of twenty-five dollars and submit satisfactory proof of good moral character and of a residence one-year course of not less than one

thousand hours in a legally chartered school approved by the board and satisfactory proof of three years of actual practice of a drugless system of the healing art, such three years of this practice to have been in the State of California, shall be admitted to the drugless practitioner examination. Any one who shall pay the fee of fifty dollars to the secretary of the board prior to January 1, 1916, and submit to the board satisfactory proof of good moral character and proof of six years' actual practice of a drugless system of the healing art, three years of which must have been in the State of California, and satisfactory proof of a residence one-year course of not less than one thousand hours in a legally chartered school approved by the board and upon proof of competency in a drugless system may be granted a certificate to practice a drugless system in this state. The examination papers shall form a part of the records of the board, and shall be kept on file by the secretary for a period of one year after each examination. In said examination the applicant shall be known and designated by number only, and the name attached to the number shall be kept secret until after the board has finally voted upon the application. The secretary of the board shall in no instance participate as an examiner in any examination held by the board. All questions on any subject in which examination is required under this act shall be provided by the board of medical examiners upon the morning of the day upon which examination is given in such subject, and when it shall be shown that the secretary or any member of the board has in any manner given information in advance of or during examination to any applicant it shall be the duty of the governor to remove such person from the board of medical examiners, or from the office of secretary.

All certificates issued hereunder must state the extent and character of practice which is permitted thereunder and shall be in such form as shall be prescribed by the board.

Sec. 13. Said board must also issue a certificate to practice a system or mode of treating the sick or afflicted recognized by this act or any preceding practice act in the State of California to any applicant, without any examination, authorizing the holder thereof to practice a system or mode of treating the sick or afflicted in the State of California, upon payment of a registration fee of one hundred dollars, upon the following terms and conditions and upon satisfactory proof thereof, viz: The applicant shall produce a certificate entitling him to practice a system or mode of treating the sick or afflicted, as provided in this act or any preceding practice act of the State of California, issued either by the medical examining board, or by any other board or officer authorized by the law to issue a certificate entitling such applicant to practice a system or mode for treating the sick or afflicted either in the District of Columbia or in any state or territory of the United States, or in such certificate shall have been lost, then a copy thereof, with proof satisfactory to the board of medical examiners of the State of California that the copy is a correct copy. Said certificate must not have been issued to such applicant prior to the first day of August, 1901, and the requirements from the college from which such applicant may have graduated, and the requirements of the board which was legally authorized to issue such certificate permitting such applicant to practice a system or mode of treating the sick or afflicted shall not have been at the time such certificate was issued, in any degree or particular less than those which were required for the issuance of a similar certificate to practice a system or mode of treating the sick or afflicted in the State of California at the date of the issuance of such certificate, or which may hereafter be required by law and which may be in force at the date of the issuance of any such certificate, and provided, further, that said applicant shall furnish from the board which issued said certificate, evidence satisfactory to the board of medical examiners of the State

California showing what the requirements were of the college and of the board, issuing such certificate at the date of such issuance. If, after an examination of such certificate, and the production on the part of the applicant of such further reasonable evidence of the said requirements as may be deemed necessary by the board of medical examiners of the State of California and any other or further examination or investigation which said board may see fit to make on its own part, it shall be found that the requirements of the board issuing such certificate were, when said certificate was issued, in any degree or particular less than the requirements provided by the law of the State of California at the date of the issuance of such certificate or that the applicant has not been a resident of the state from which the application is based for a period of one year subsequent to the issuance of such certificate he will not be entitled to practice within the State of California without an examination. An oral examination shall not be deemed to be of equal merit with a written examination and no certificate shall be issued in the case where a written examination was given in California and an applicant was given an oral examination in another state at the same time. The board is hereby authorized to enter into a contract or contracts of reciprocity with other states wherein the standard of such states is not in any degree or particular less than were the requirements in the State of California in the same year, for the issuance of a certificate to practice a system or mode of treating the sick or afflicted, such certificate to be similar in scope of practice as the certificate issued in the other state; provided, however, that an application based upon a certificate to practice any system or mode of treating the sick or afflicted issued in the District of Columbia or in any state or territory prior to March 4, 1907, if refused or denied by reason of the insufficiency of the standard of such state or territory then such applicant may have the privilege of either a written or oral examination before the board at the option of the applicant. * * *

Sec. 14. Said board must refuse a certificate to any applicant guilty of unprofessional conduct. On the filing with the secretary of a sworn complaint, charging the applicant with having been guilty of unprofessional conduct, the secretary must forthwith issue a citation, under the seal of the board, and make the same returnable at the next regular session of said board, occurring at least thirty days next after filing the complaint. Such citation shall notify the applicant when and where the charges of said unprofessional conduct will be heard, and that the applicant shall file his written answer, under oath, within twenty days next after the service on him of said citation or that default will be taken against him and his application for a certificate refused. The attendance of witnesses at such hearing may be compelled by subpoenas issued by the secretary of the board under its seal. Said citation and said subpoenas shall be served in accordance with the statutes of this state then in force as to the service of citation and subpoenas generally, and all the provisions of the statutes of this state then in force relating to subpoenas and to citations are hereby made applicable to the subpoenas and citations provided for herein. Upon the secretary's certifying to the fact of refusal of any person to obey a subpoena or citation to the superior court of the county in which the service was had, said court shall thereupon proceed to hear said matter in accordance with the statutes of this state then in force as to contempts for disobedience of process of the court, and should said court find that the subpoena or citation has been legally served, and that the party so served has wilfully disobeyed the same, it shall proceed to impose such penalty as provided in cases of contempt of court. In all cases of alleged unprofessional conduct arising under this act, depositions of witnesses may be taken, the same as in civil cases, and all the provisions of the statutes of this state then in force as to the taking of depositions are hereby made applicable to the taking of depositions under this act. If the applicant

shall fail to file with the secretary of said board his answer, under oath, within twenty days after service on him of said citation, or within such further time as the board may allow, and the charges on their face shall be deemed sufficient by the board, default shall be entered against him, and his application refused. If the charges on their face be deemed sufficient by the board, and issue be joined thereon by answer, the board shall proceed to determine the matter, and to that end shall hear such proper evidence as may be adduced before it; and if it appear to the satisfaction of the board that the applicant is guilty as charged, no certificate shall be issued to him. Whenever any holder of a certificate herein provided for is guilty of unprofessional conduct, as the same is defined in this act, and the said unprofessional conduct has been brought to the attention of the board granting said certificate, in the manner hereinafter provided or whenever a certificate has been procured by fraud or misrepresentation, or issued by mistake, or the person holding such certificate is found to be practicing contrary to the provisions thereof and of this act, it shall be the duty of said board either to suspend the right of the holder of said certificate to practice for a period not exceeding one year, or in its discretion to revoke his certificate. In the event of such suspension, the holder of such certificate shall not be entitled to practice thereunder during the term of suspension; but, upon the expiration of the term of said suspension, he shall be reinstated by the board and shall be entitled to resume his practice, unless it shall be established to the satisfaction of the board that said person so suspended from practice, has, during the term of such suspension, practiced in the State of California, in which event the board shall revoke the certificate of such person. No such suspension or revocation shall be made unless such holder is cited to appear and the same proceedings are had as is hereinbefore provided in this section in case of refusal to issue certificates. Said secretary in all cases of suspension or revocation shall enter on his register the fact of such suspension or revocation, as the case may be, and shall certify the fact of such suspension or revocation under the seal of the board, to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person, the following: "The holder of this certificate was on the _____ day of _____ suspended for _____ or, "This certificate was revoked on the _____ day of _____ as the case may be, giving the day, month and year of such revocation or length of suspension, as the case may be, in accordance with said certification to him by said secretary. The record of such suspension or revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all the proceedings of said board in the matter of said suspension or revocation. The words "unprofessional conduct" as used in this act, are hereby declared to mean:

- First—The procuring or aiding or abetting or attempting or agreeing or offering to procure a criminal abortion.
- Second—The wilfully betraying of a professional secret.
- Third—All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons, and so be harmful or injurious to public morals or safety.
- Fourth—All advertising of any medicine or any means whereby the monthly periods of women can be regulated or the menses re-established if suppressed.
- Fifth—Conviction of any offense involving moral turpitude in which case the record of such conviction shall be conclusive evidence.
- Sixth—Habitual intemperance or excessive use of cocaine, opium, morphine, codeine, heroin, strychnine, beta eucaine, novocaine or chloral hydrate, or any of the salts, derivatives or compounds of the foregoing substances, or the procuring, selling, furnishing, giving away or offering to

prescribe, sell, furnish, or give away such substances to a habitue who is not under the direct personal and continuous treatment and care of the physician for the cure of the above mentioned drugs.

Seventh—The personation of another licensed practitioner or permitting or allowing another person to use his certificate in the practice of any system or mode of treating the sick or afflicted.

Eighth—The use, by the holder of any certificate, in any sign or advertisement in connection with his said practice or in any advertisement or announcement of his practice, of any fictitious name, or any name other than his own.

Ninth—The use, by the holder of a "drugless practitioner certificate" of drugs or what are known as medicinal preparations, in or upon any human being, or the severing or penetrating by the holder of said "drugless practitioner certificate" of the tissues of any human being in the treatment of any disease, injury, deformity, or other physical or mental condition of such human being, excepting the severing of the umbilical cord.

Tenth—Advertising, announcing or stating, directly, indirectly, or in substance, by any sign, card, newspaper, advertisement or other writing or printed sign or advertisement, that the holder of such certificate or any other person, company, or association by which he is employed or in whose service he is, will cure or attempt to cure, or will treat, any venereal disease, or will cure or attempt to cure or treat any person or persons for any sexual disease, for lost manhood, sexual weakness, or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of, any person, firm, association, or corporation so advertising, announcing or stating.

Eleventh—The use by the holder of any certificate of any letter, letters, word, words, or term or terms used either as prefix or affix or suffix indicating that such certificate holder is entitled to practice a system or mode of treating the sick or afflicted for which he was not licensed in the State of California.

Twelfth—The employment of "cappers" or "stealers" or other persons in procuring practice for a practitioner for a system or mode of treating the sick or afflicted provided for in this act.

Sec. 15. Every person holding a certificate under the laws of this state authorizing him to practice any system or mode of treating the sick or afflicted in this state must have it recorded in the office of the county clerk of the county or counties in which the holder of said certificate is practicing his profession, and the fact of such recordation shall be endorsed on the certificate by the county clerk recording the same. Any person holding a certificate as aforesaid, who shall practice or attempt to practice any system or mode of treating the sick or afflicted in this state, without having first filed his certificate with the county clerk as herein provided, shall be deemed guilty of a misdemeanor and shall be punished as hereinafter designated in this act.

Sec. 16. The county clerk shall keep in a book provided for the purpose a complete list of the certificates recorded by him, with the date of the record, and said book shall be open to public inspection during his office hours.

Sec. 17. Any person who shall practice or attempt to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or who shall diagnose, treat, operate for, or prescribe for, any disease, injury, deformity, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this act, or who shall in any sign or in any advertisement use the word "doctor" or the letters or prefix "M. D." or any other term or letters indicating or implying that he is a doctor, physician, surgeon, or practitioner, under the laws of this state, or who shall practice, or attempt to practice, or advertise, or hold himself out as practicing, or under any name, or without having at the time of so doing a valid unrevoked certificate as provided

in this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished as designated in this act.

Sec. 18. Any person, or any member of any firm, or officials of any company, association, organization or corporation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as designated in this act, who individually or in his official capacity, shall himself sell or barter, or offer to sell or barter, or be authorized, authorized to be granted hereunder, or any diploma, affidavit, transcript, certificate or any other evidence required in this act for use in connection with the granting of certificates or diplomas, or who shall purchase or procure the same, either directly or indirectly, with intent that the same shall be fraudulently used, or who shall with fraudulent intent alter any diploma, certificate, transcript, affidavit, or any other evidence to be used in obtaining a diploma or certificate required hereunder or who shall use or attempt to use fraudulently any certificate, transcript, affidavit, or diploma, whether the same be genuine or false, or who shall practice or attempt to practice any system, or treatment of the sick or afflicted, under a false or assumed name, or any name other than that prescribed by the board of medical examiners of the State of California on its certificate issued to such person authorizing him to administer such treatment, or who shall assume any degree or title not conferred upon him in the manner and by the authority recognized in this act, with intent to represent falsely that he has received such degree or title, or who shall wilfully make any false statement on any application for examination, license or registration under this act, or who shall engage in the treatment of the sick or afflicted without causing to be displayed in a conspicuous manner and in a conspicuous place in his office the name of each and every person who is associated with or employed by him in the practice of medicine and surgery or other treatment of the sick or afflicted, or who shall, within ten days after demand made by the secretary of the board, fail to furnish to said board the name and address of all such persons associated with or employed by him or by any company or association with which he is or has been connected at any time within sixty days prior to said notice, together with a sworn statement showing under and by what license or authority said person or persons, or said employee or employees, is or are, or has or have been practicing medicine or surgery, or any other system of treatment of the sick or afflicted. It shall be the duty of any person or persons upon whom the board of medical examiners may make a demand for the name or names and address or addresses of a person or persons associated or employed by such person or persons associated or employed, that such affidavit shall not be used as evidence against said person or employee in any proceedings under this action.

Sec. 19. Every person filing for record, or attempting to file for record, the certificate issued to another, falsely claiming himself to be the person named in or entitled to, such certificate, shall be guilty of a felony, and, upon conviction thereof, shall be subject to such penalties as are provided by the laws of this state for the crime of forgery.

Sec. 22. Nothing in this act shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies; nor shall this act apply to any commissioned medical officer in the United States army, navy or marine hospital, or public health service, in the discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry. Nor shall this act apply to any practitioner from another state or territory when in actual consultation with a licensed practitioner of this state. If such practitioner is, at the time of such consultation, a licensed practitioner in the state or territory in which he resides, provided that

such practitioner shall not open an office or appoint a place to meet patients or receive calls within the limits of this state. Nor shall this act be construed so as to discriminate against any particular school of medicine or surgery, or any other treatment, nor to regulate, prohibit or to apply to, any kind of treatment, by prayer, nor to interfere in any way with the practice of religion. Nothing in this act shall be construed to prevent a student regularly matriculated in any legally chartered school or schools approved by the board from treating without compensation to such student the sick or afflicted as a part of his course of study.

Sec. 24. This act when referred to, cited or amended may be designated as the state medical practice act, and for a violation of any provision of this act, the said violator shall be guilty of a misdemeanor, unless otherwise specifically provided in this act, and shall be punished by a fine of not less than one hundred dollars nor more than six hundred dollars or by imprisonment for a term of not less than sixty days nor more than one hundred eighty days or by both such fine and imprisonment. The fines or forfeitures of bail in any case wherein any person is charged with a violation of the provisions of this act shall be paid upon the collection by the proper officer of the court seventy-five per cent thereof to the state treasurer to be deposited to the credit of the contingent fund of the board of medical examiners and such payment to said treasurer shall be made without placing such fine or forfeiture of bail in any special or contingent or general fund of any county, city and county, city, or township. The balance or twenty-five per cent of such fines or forfeitures of bail shall be paid to the county wherein the case is pending.

ARGUMENT IN FAVOR OF PROPOSED CHIROPRACTIC ACT.

The purposes of the bill are:

1. To fix a standard of training and fitness as a guaranty of competency to the public when employing chiropractors;
2. To provide a license for those having the training and fitness that will permit them to practice their profession;
3. To create a state board of chiropractic examiners to examine applicants as to their fitness to practice chiropractic.

This law will operate without expense to the taxpayers. Fees imposed on those licensed make it entirely self-supporting.

It requires each applicant for examination to hold a diploma from a chartered chiropractic school or college, teaching a course of two thousand hours or more, and to be examined in writing in anatomy, physiology, pathology, diagnosis, elementary chemistry, toxicology, bacteriology, histology, hygiene and sanitation, and chiropractic theory and practice.

It regulates chiropractors, which the medical law has failed to do. It does not permit chiropractors to practice medicine or surgery.

Chiropractic is not taught in medical schools nor medical textbooks. The medical doctors neither understand nor believe in chiropractic. They therefore are not competent to examine chiropractors.

Physicians, dentists, pharmacists, optometrists, and veterinarians have separate boards. Chiropractors should have their own board.

No state that has ever licensed chiropractors has repealed the privilege.

The medical law, made by medical doctors for their own selfish benefit, says in effect, "When sick, you will take the old school medical doctor or no one, no matter what other system of practice you would prefer to resort to." The

people should be entitled, without restriction, to the doctor or method of healing of their choice. Fair play certainly requires that chiropractors have the same right to practice as have other doctors.

Chiropractors are bitterly prosecuted by the Medical Board for not having medical licenses. But the Medical Board absolutely refuses to license or even examine graduates of chiropractic schools. These prosecutions, costly for the taxpayers, benefit only the medical doctors, who want a monopoly on practice of the healing arts in California. "The people have never asked the medical men to protect them from the chiropractors, nor has a prosecution of chiropractors ever been instituted by a patient or citizen."

Twenty-four states, containing over half the population of the United States, officially recognize chiropractic and license its practitioners. Our neighboring states, Oregon, Washington and Nevada, recognize chiropractic. There are about eight hundred chiropractors in California and fifteen thousand in the United States. All California chiropractors who can qualify are united for this measure.

The bill is fair to the public because it protects the public from incompetent chiropractors; to the chiropractors because it permits competent chiropractors to practice without further prosecution from the Medical Board; to all other modes of healing because it does not restrict nor interfere with them.

Let the people be as free to choose their method of healing as they are to choose their method of worship.

Vote "Yes" for the chiropractic bill in November as an indication of your belief in justice and fair play, and your opposition to trust methods in healing.

JOS. A. SANFORD.

ARGUMENT AGAINST PROPOSED CHIROPRACTIC ACT.

As President of the League for the Conservation of Public Health, which is dedicated to serving the public by conserving constructive health activities and promoting better health work, I earnestly urge you to vote "No" on No. 5—the Chiropractic initiative.

This is a question of very great public concern. For the protection of the lives and health of the citizens of this state, the California Legislature established a State Board of Medical Examiners. The members of this board are appointed by the Governor not from any so-called school, but "from among persons," so the law reads, "who hold licenses under any of the medical practice acts of this state."

The State Board is empowered and qualified to examine all applicants on subjects fundamental to a knowledge of the human body and its diseases. The board is not arbitrary, exacting or unfair, but has a duty imposed by law to protect the women, children and men of this state from the incompetent, unskilled and unscrupulous. California insists that anyone who desires to treat patients for physical ills shall possess proper qualifications.

Chiropractors can secure licenses from the State Board the same as other applicants who purport to treat human ills simply by passing the examination and complying with lawful requirements. This demand by a small group of chiropractors for a special Board of Chiropractic Examiners is based on the false hypothesis that the State Board of Medical Examiners is unqualified, unfair and unwilling to license chiropractors.

I ask the voters to read a contradiction of that statement in section 1 of the Chiropractic Initiative. "Each member of the State Board of Chiropractors must have practiced in the State of California for a period of three years next preceding the date on which this act takes effect"; and in section 13 this further contradiction, "Nothing in this act shall be construed to interfere with chiropractors licensed under other acts." In the words of their own initiative measure they contradict and condemn themselves. The last California Legislature and previous legislatures rejected this same inconsistent demand. The sound and sufficient reason assigned by legislators was that if chiropractors were granted a special board then all the other cults would demand and be equally entitled to special boards.

This policy would result in multiple boards,

divided authority and chaotic conditions. Under such a policy California would now have twenty seven varieties of boards to examine the twenty seven varieties of drugless cults of this state. Such an absurd condition would be intolerable for the state would lose proper control. The history of legislation on this vital subject proves that the welfare of the public is best protected by one responsible representative board. California has a responsible board now. The Governor is empowered to change its membership whenever he deems it desirable. The courts can review and reverse the board's decisions. From such a well-regulated board all applicants are assured of ample justice and the people of adequate protection. Vote "No" on No. 5.

DUDLEY A. SMITH, M.D.

President League for Conservation of Public Health.

PROHIBITING COMPULSORY VACCINATION. Initiative measure adding

Section 15 to Article IX of Constitution. Declares that no form of vaccination, inoculation or other medication shall hereafter be made a condition for admission to or attendance in any public school, college, university or other educational institution in this state, or for the employment of any person in any public office; and that the provisions of this section shall not be controlled or limited by any other provision of the Constitution.

YES

NO

Sufficient qualified electors of the State of California present to the secretary of state this petition and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California for their approval or rejection, at the next ensuing general election.

PROPOSED AMENDMENT.

The full text of the proposed amendment is:

The people of the State of California do enact as follows:

Article nine of the constitution of the State of California is hereby amended by adding to it a new section which shall be numbered section fifteen, and shall read as follows:

Article IX.

Section 15. No form of vaccination, inoculation or other medication shall hereafter be made a condition for admission to or attendance in any public school, college, university or other educational institution in this state, or for the employment of any person in any public office. The provisions of this section shall not be controlled or limited by any other provision of this constitution.

ARGUMENT IN FAVOR OF PROHIBITING COMPULSORY VACCINATION.

The records of the state board of health disclose that more than eighty per cent of the parents of public school children in California have stated in writing that they are opposed to the practice of vaccination and will not consent to the vaccination of their children. Nevertheless, under the present law these unvaccinated children can be excluded from the public schools under certain conditions and during the past two years thousands of children and teachers have been excluded for varying periods in the course of a campaign which is being waged by interested persons to "popularize vaccination." It is to prohibit such illegal exclusions that Proposition No. 5 has been placed on the ballot by The Public School Protective League.

While the present law provides that unvaccinated children must be admitted to any school, college, university, academy or other

educational institution" the courts have decided that the University of California is not subject to laws enacted by the legislature and the university has, under that authority, forced the vaccination and inoculation of all students as a condition for attendance. The new law will require the university to admit unvaccinated students as the legislature intended it should.

The question of the efficacy of vaccination is not involved. The proposed law does not attempt to prohibit vaccination or any other form of medical treatment or to interfere with lawful quarantine. Its purpose is to prescribe by fundamental law that vaccination and inoculation shall not be made compulsory. If vaccination has all the merits which are claimed for it no compulsion should be necessary on its behalf. If, on the contrary, vaccination does not protect against smallpox and is, according to many reputable medical authorities, not only valueless but the cause of cancer, tuberculosis, syphilis and death, any compulsion in its behalf is criminal. In either event the fact remains that the efficacy of vaccination is a debatable question on which medical opinion is not agreed and every citizen should have the right to decide whether he wants vaccination for himself and his children.

In a number of states it is now unlawful to require vaccination and the Supreme Court of North Dakota held recently that unvaccinated children could not be excluded from the public schools, pointing out that "were vaccination to become general it would be certain to cause the sickness or death of a thousand children where one child now sickens and dies from smallpox." "Of course," the decision continues, "a different story is told by the class that reap a golden harvest from vaccination and the diseases caused by it. Yet, because of their self-interest their doctrine must be received with the greatest care and scrutiny. Every person of common sense and observation must know that it is not the welfare of the children that causes the vaccinators to preach their doctrines and to incur the expense of lobbying for vaccination statutes."

For the protection of the children of California, vote "Yes" on Proposition No. 5.

LEWIS F. CRUTCHER, M.D.