

HOUSE BILL No. 2123

By Committee on Health and Human Services

1-23

1 AN ACT enacting the massage therapist licensure act; providing for
2 powers, duties and functions of the state board of nursing; amending
3 K.S.A. 2014 Supp. 74-1112 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. As used in this act:

7 (a) "Board" means the state board of nursing.

8 (b) "Massage school" means a massage therapy educational program
9 which meets the standards for training and curriculum as set forth by the
10 state board of regents under the Kansas private and out-of-state
11 postsecondary educational institution act, or comparable legal authority in
12 another state.

13 (c) "Compensation" means the payment, loan, advance, donation,
14 contribution, barter, deposit or gift of money or anything of value.

15 (d) "Licensed massage therapist" means a person who meets the
16 requirements of this act and who engages in the practice of massage
17 therapy.

18 (e) "Professional massage therapy association or bodywork
19 association" means a state or nationally chartered professional membership
20 organization that has been recognized by the board as offering services to
21 massage therapists. The organization requires that its members must
22 adhere to the organization's established code of ethics and standards of
23 practice.

24 (f) "Practice of massage therapy" means the care and services
25 provided by a licensed massage therapist in a system of therapeutic,
26 structured touch, palpation or movement of the skin, muscle, tendons,
27 fascia and the lymphatic system of another person's body in order to
28 enhance or restore the general health and well-being of the recipient.

29 (1) Such system includes, but is not limited to:

30 (A) Techniques such as effleurage, commonly called stroking or
31 gliding; petrissage, commonly called kneading; tapotement or percussion;
32 friction, vibration, compression;

33 (B) stretching within the normal anatomical range of movement;

34 (C) hydrotherapy; or

35 (D) such techniques which may be applied with or without the aid of
36 lubricants, salt or herbal preparations, water, hot and cold applications or a

1 massage device that mimics or enhances the actions possible by human
2 hands.

3 (2) "Massage" or "massage therapy" does not include:

4 (A) Medical or nursing diagnosis of injury, illness or disease;

5 (B) therapeutic exercise;

6 (C) chiropractic joint adjustment;

7 (D) physical therapy joint mobilization or manipulation;

8 (E) electrical stimulation or application of ultrasound; or

9 (F) dispensing or issuing prescriptions or pharmaceutical agents.

10 (g) "Massage therapy services" include, but are not limited to:

11 (1) Development, implementation and modification of a massage
12 therapy treatment plan that addresses client soft tissue manifestations,
13 needs and concerns, including identifying indications, contraindications
14 and precautions of massage therapy within the scope of the act;

15 (2) obtaining informed consent regarding the risks and benefits of the
16 massage therapy treatment plan and application and modification of the
17 massage therapy treatment plan as needed;

18 (3) using effective interpersonal communication in the professional
19 relationship;

20 (4) utilizing an ethical decision-making process that conforms to the
21 ethical standards of the profession, as set forth in this act and in rules and
22 regulations;

23 (5) establishing and maintaining a practice environment that provides
24 for the client's health, safety and comfort; or

25 (6) establishing and maintaining client records, professional records
26 and business records in compliance with standards of professional conduct
27 as required by rules and regulations.

28 New Sec. 2. (a) Upon application to the board and the payment of the
29 required fees, an applicant for a license as a massage therapist may be
30 licensed as a massage therapist if the applicant meets all the requirements
31 of this act and provides documentation acceptable to the board that the
32 applicant:

33 (1) Has obtained a high school diploma or equivalent;

34 (2) is 18 years of age or older;

35 (3) has no other disqualifying conduct as defined by the board;

36 (4) has successfully completed a course of instruction approved by
37 the board consisting of at least 500 in-classroom hours of supervised
38 instruction, including massage therapy technique and theory,
39 contraindications, ethics, sanitation, hygiene, business training, anatomy,
40 physiology and pathology; and

41 (5) has successfully passed a nationally recognized competency
42 examination in massage that meets acceptable psychometric principles, is
43 statistically validated through a job-task analysis under current standards

1 for educational and professional testing and has been approved by the
2 board. The passage of this exam may have occurred prior to the effective
3 date of this act.

4 New Sec. 3. Prior to July 1, 2017, the board may issue a license as a
5 massage therapist to any individual who meets the requirements of section
6 2(a)(1), (2) and (3), and amendments thereto, and one of the following
7 requirements verified to the board by affidavit:

8 (a) The individual has completed a minimum of 500 hours of
9 instruction relating to massage therapy at a massage school or comparable
10 legal authority in another state verified to the board by affidavit;

11 (b) the individual has completed at least 300 hours of training in
12 massage therapy during the three years;

13 (c) the individual has practiced for at least three years;

14 (d) the individual has been an active member in good standing of a
15 professional massage or bodywork therapy association as a massage or
16 bodywork therapist for a period of at least 12 months; or

17 (e) the individual has successfully passed an examination meeting the
18 requirements of section 2(a)(5), and amendments thereto, or passed a
19 nationally recognized certification examination.

20 New Sec. 4. (a) The board may issue a license to practice massage
21 therapy as a licensed massage therapist to an applicant who has been duly
22 licensed as a massage therapist by examination under the laws of another
23 state or territory if, in the opinion of the board, the applicant meets the
24 qualifications required of a licensed professional in this state. Verification
25 of the applicant's licensure status shall be required from the original state
26 of licensure.

27 (b) The board may issue a temporary permit to practice massage
28 therapy as a licensed massage therapist for a period not to exceed 120
29 days. A temporary permit for 120 days may be issued to an applicant for
30 licensure as a licensed massage therapist who is a graduate of a massage
31 school in a foreign country after verification of licensure in that foreign
32 country and approval of educational credentials.

33 New Sec. 5. (a) Nothing in this act shall be construed to restrict any
34 person licensed or regulated by the state of Kansas from engaging in the
35 profession or practice for which they are licensed or regulated including,
36 but not limited to, acupuncture, athletic training, barbering, chiropractic,
37 cosmetology, dentistry, electrology, esthetics, manicuring, medicine,
38 naturopathic medicine, nursing, occupational therapy, osteopathy, physical
39 therapy, podiatry, professional counseling, psychology, social work or
40 veterinary medicine or any other licensed or regulated profession by the
41 state of Kansas.

42 (b) Nothing in this act shall prohibit:

43 (1) The practice of massage therapy by a person employed by the

1 government of the United States while the person is engaged in the
2 performance of duties prescribed by the laws and regulations of the United
3 States;

4 (2) the practice of massage therapy by persons duly licensed,
5 registered, or certified in another state, territory, the District of Columbia,
6 or a foreign country when incidentally called into this state to teach a
7 course related to massage therapy or to consult with a person licensed
8 under this act;

9 (3) students currently enrolled in a massage school while completing
10 a clinical requirement or supervised massage therapy fieldwork experience
11 for graduation performed under the supervision of a person licensed under
12 this act, provided the student does not hold oneself out as a licensed
13 massage therapist and does not receive compensation for services
14 performed;

15 (4) any person performing massage therapy services in the state, if
16 those services are performed without compensation and are performed in
17 cooperation with a charitable organization or as part of an emergency
18 response team working in conjunction with disaster relief officials;

19 (5) the practice, conduct and activities or services of a person who is
20 employed by a non-resident performance team, entertainer, or an athletic
21 team to the extent that such services or activities are provided solely to the
22 team or entertainer in the state for not more than 30 days;

23 (6) persons giving massage to members of such person's immediate or
24 extended family without compensation;

25 (7) persons who restrict their manipulation of the soft tissues of the
26 human body to the hands, feet or ears and do not hold themselves out to be
27 massage therapists;

28 (8) members of any church practicing their religious tenets;

29 (9) the practice of any person in this state who uses touch, words and
30 directed movement to deepen awareness of existing patterns of movement
31 in the body as well as to suggest new possibilities of movement while
32 engaged within the scope of practice of a profession, provided that they do
33 not hold themselves out to be massage therapists. Such practices include,
34 but are not limited to, the Feldenkrais method of somatic education, the
35 Trager approach to movement education, and body-mind centering;

36 (10) the practice of any person in this state who uses touch to affect
37 the energy systems, acupoints or qi meridians (channels of energy) of the
38 human body while engaged within the scope of practice of a profession,
39 provided that they do not hold themselves out to be massage therapists.
40 Such practices include, but are not limited to, polarity, polarity therapy,
41 polarity bodywork therapy, Asian bodywork therapy, acupressure, jin shin
42 do, qi gong, reiki, shiatsu and ortho bionomy; or

43 (11) persons engaged in the profession of structural integration,

1 restoring postural balance and functional ease by integrating the body in
2 gravity based on a system of fascial manipulation and awareness, provided
3 that they do not hold themselves out to be massage therapists. Such
4 practices include, but are not limited to, rolfing structural integration, the
5 guild for structural integration and Hellerwork.

6 New Sec. 6. (a) A person licensed under this act as a massage
7 therapist shall:

8 (1) Use the letters "LMT" to identify themselves to patients or the
9 public; and

10 (2) be authorized to use words, including "massage therapist,"
11 "massagist," "massotherapist," "myotherapist," "body therapist," "massage
12 technician," "massage practitioner," "masseur," "masseuse" or any
13 derivation of those terms that implies this practice to indicate that such
14 person is a massage therapist licensed under the act.

15 (b) On and after September 1, 2017, it shall be unlawful for any
16 person who is not licensed under this act as a massage therapist or whose
17 license has been suspended, revoked or lapsed to promote oneself to the
18 public in any manner as a licensed massage therapist or to engage in the
19 practice of massage therapy. An intentional violation of this subsection
20 shall constitute a class B person misdemeanor.

21 (c) No statute granting authority to persons licensed or registered by
22 the state board of nursing shall be construed to confer authority upon a
23 massage therapist to engage in any activity not conferred by this act.

24 New Sec. 7. (a) An advisory committee of six members, two board
25 members and four non-board members, shall be established by the board
26 to advise and assist the board in implementing this act as determined by
27 the board. The advisory committee shall meet at least annually. Members
28 of the advisory committee shall receive amounts provided for in K.S.A.
29 75-3223(e), and amendments thereto, for each day of actual attendance at
30 any meeting of the advisory committee or any subcommittee meeting of
31 the advisory committee authorized by the board.

32 (b) The two board members shall be appointed by the state board of
33 nursing. The three non-board members of the massage therapy advisory
34 committee shall be appointed by the state board of nursing, shall be
35 massage therapists and shall be citizens and residents of the state. No more
36 than one member may be an owner of a massage school. The fourth non-
37 board member shall be the designee of the Kansas attorney general. The
38 members of the committee shall be appointed for terms of two years and
39 shall serve at the pleasure of the state board of nursing.

40 New Sec. 8. (a) The board shall biennially charge and collect in
41 advance fees provided for in this act as fixed by the board by rules and
42 regulations, subject to the following limitations:

43 Application fee, not more than.....\$80

1 Temporary permit fee, not more than.....\$25
2 License renewal fee, not more than.....\$75
3 License reinstatement fee, not more than.....\$80
4 Certified copy of license, not more than.....\$25
5 Written verification of license, not more than.....\$30
6 Inactive license fee, not more than.....\$20

7 (b) The board may require that fees paid for any examination under
8 the massage therapist licensure act be paid directly to the examination
9 service by the person taking the examination.

10 (c) The board shall accept for payment of fees under this section
11 personal checks, certified checks, cashier's checks, money orders or credit
12 cards. The board may designate other methods of payment, but shall not
13 refuse payment in the form of a personal check. The board may impose
14 additional fees and recover any costs incurred by reason of payments made
15 by personal checks with insufficient funds and payments made by credit
16 cards.

17 New Sec. 9. (a) All licenses issued under the provisions of this act,
18 whether initial or renewal, shall expire every two years. The expiration
19 date shall be established by the rules and regulations of the board. The
20 board shall send a notice for renewal of license to every massage therapist
21 at least 60 days prior to the expiration date of such person's license. Every
22 person so licensed who desires to renew such license shall file with the
23 board, on or before the date of expiration of such license, a renewal
24 application together with the prescribed biennial renewal fee. Every
25 licensee who is no longer engaged in the active practice of massage
26 therapy may so state by affidavit and submit such affidavit with the
27 renewal application. An inactive license may be requested along with
28 payment of a fee which shall be fixed by rules and regulations of the
29 board. Except for the first renewal for a license that expires within 30
30 months following licensure examination or for renewal of a license that
31 expires within the first nine months following licensure by reinstatement
32 or endorsement, every licensee with an active massage therapy license
33 shall submit with the renewal application evidence of satisfactory
34 completion of a program of continuing massage therapy education
35 required by the board. The board, by duly adopted rules and regulations,
36 shall establish the requirements for such program of continuing massage
37 therapy education. The board shall require as a condition for renewal of a
38 license completion of no more than 12 hours biennially of continuing
39 education approved by the board in rules and regulations. Upon receipt of
40 such application, payment of fee, upon receipt of the evidence of
41 satisfactory completion of the required program of continuing massage
42 therapy education and upon being satisfied that the applicant meets the
43 requirements set forth by law in effect at the time of initial licensure of the

1 applicant, the board shall verify the accuracy of the application and grant a
2 renewal license.

3 (b) Any person who fails to secure a renewal license within the time
4 specified herein may secure a reinstatement of such lapsed license by
5 making verified application therefor on a form provided by the board, by
6 rules and regulations, and upon furnishing proof that the applicant is
7 competent and qualified to act as a massage therapist and by satisfying all
8 of the requirements for reinstatement, including payment to the board of a
9 reinstatement fee as established by the board. A reinstatement application
10 for licensure will be held awaiting completion of such documentation as
11 may be required, but such application shall not be held for a period of time
12 in excess of that specified in rules and regulations.

13 (c) (1) Each licensee shall notify the board in writing of:

14 (A) A change in name or address within 30 days of the change; or

15 (B) a conviction of any felony or misdemeanor, that is specified in
16 rules and regulations adopted by the board, within 30 days from the date
17 the conviction becomes final.

18 (2) As used in this subsection, "conviction" means a final conviction
19 without regard to whether the sentence was suspended or probation
20 granted after such conviction. Also, for the purposes of this subsection, a
21 forfeiture of bail, bond or collateral deposited to secure a defendant's
22 appearance in court, which forfeiture has not been vacated, shall be
23 equivalent to a conviction. Failure to so notify the board shall not
24 constitute a defense in an action relating to failure to renew a license, nor
25 shall it constitute a defense in any other proceeding.

26 (d) (1) The board of nursing shall require an original applicant for
27 licensure as a massage therapist to be fingerprinted and submit to a state
28 and national criminal history record check. The fingerprints shall be used
29 to identify the applicant and to determine whether the applicant has a
30 record of criminal history in this state or other jurisdictions. The board of
31 nursing is authorized to submit the fingerprints to the Kansas bureau of
32 investigation and the federal bureau of investigation for a state and
33 national criminal history record check, and request subsequent arrest
34 notification services from both agencies. The board of nursing may use the
35 information obtained from fingerprinting and the applicant's criminal
36 history for purposes of verifying the identification of any applicant and in
37 the official determination of character and fitness of the applicant for any
38 licensure to practice massage therapy in this state.

39 (2) Local and state law enforcement officers and agencies shall assist
40 the board of nursing in the taking and processing of fingerprints of
41 applicants to practice massage therapy in this state and shall release all
42 records of adult convictions and non-convictions and adult convictions or
43 adjudications of another state or country to the board of nursing.

1 (3) The board shall fix a fee for fingerprinting of applicants or
2 licensees, or both, as may be required by the board in an amount necessary
3 to reimburse the board for the cost of the fingerprinting. Fees collected
4 under this subsection shall be deposited in the criminal background and
5 fingerprinting fund.

6 New Sec. 10. (a) The board may refuse to grant licensure to, or may
7 suspend, revoke, condition, limit, qualify or restrict the licensure issued
8 under this act of any individual who the board, after the opportunity for a
9 hearing, determines:

10 (1) Is incompetent to practice massage therapy, or is found to engage
11 in the practice of massage therapy in a manner harmful or dangerous to a
12 client or to the public;

13 (2) is convicted by a court of competent jurisdiction of a felony,
14 misdemeanor crimes against persons or substantiation of abuse against a
15 child, adult or resident of a care facility, even if not practice related;

16 (3) has violated a provision of the massage therapist licensure act or
17 one or more of the rules and regulations of the board;

18 (4) has obtained or attempted to obtain a license or license renewal by
19 bribery or fraudulent representation;

20 (5) has knowingly made a false statement on a form required by the
21 board for license or license renewal;

22 (6) has failed to obtain continuing education credits required by rules
23 and regulations of the board;

24 (7) has been found guilty of unprofessional conduct as defined by
25 rules and regulations established by the board; or

26 (8) has had a registration, license or certificate as a massage therapist
27 revoked, suspended or limited, or has had other disciplinary action taken,
28 or an application for registration, license or certificate denied by the proper
29 regulatory authority of another state, territory, District of Columbia or
30 another country, a certified copy of the record of the action of the other
31 jurisdiction being conclusive evidence thereof.

32 (b) Upon filing of a sworn complaint with the board charging a
33 person with having been guilty of any of the unlawful practices specified
34 in subsection (a), two or more members of the board shall investigate the
35 charges, or the board may designate and authorize an employee or
36 employees of the board to conduct an investigation. After investigation,
37 the board may institute charges. If an investigation, in the opinion of the
38 board, reveals reasonable grounds for believing the applicant or licensee is
39 guilty of the charges, the board shall fix a time and place for proceedings,
40 which shall be conducted in accordance with the provisions of the Kansas
41 administrative procedure act.

42 (c) No person shall be excused from testifying in any proceedings
43 before the board under this act or in any civil proceedings under this act

1 before a court of competent jurisdiction on the ground that such testimony
2 may incriminate the person testifying, but such testimony shall not be used
3 against the person for the prosecution of any crime under the laws of this
4 state except the crime of perjury as defined in K.S.A. 2014 Supp. 21-5903,
5 and amendments thereto.

6 (d) If final agency action of the board in a proceeding under this
7 section is adverse to the applicant or licensee, the costs of the board's
8 proceedings shall be charged to the applicant or licensee as in ordinary
9 civil actions in the district court, but if the board is the unsuccessful party,
10 the costs shall be paid by the board. Witness fees and costs may be taxed
11 by the board according to the statutes relating to procedure in the district
12 court. All costs accrued by the board, when it is the successful party, and
13 which the attorney general certifies cannot be collected from the applicant
14 or licensee, shall be paid from the board of nursing fee fund. All moneys
15 collected following board proceedings shall be credited in full to the board
16 of nursing fee fund.

17 (e) The denial, suspension, revocation or limitation of a license or
18 public or private censure of a licensee may be ordered by the board after
19 notice and hearing on the matter in accordance with the provisions of the
20 Kansas administrative procedure act. The board shall also notify the local
21 law enforcement agency upon disciplinary action. Upon the end of the
22 period no less than two years for the revocation of a license, application
23 may be made to the board for reinstatement. The board shall have
24 discretion to accept or reject an application for reinstatement and may hold
25 a hearing to consider such reinstatement. An application for reinstatement
26 of a revoked license shall be accompanied by the license reinstatement fee
27 established under section 8, and amendments thereto.

28 (f) The board, in addition to any other penalty prescribed in
29 subsection (a), may assess a civil fine, after proper notice and an
30 opportunity to be heard, against a licensee for unprofessional conduct in an
31 amount not to exceed \$1,000 for the first violation, \$2,000 for the second
32 violation and \$3,000 for the third violation and for each subsequent
33 violation. All fines assessed and collected under this section shall be
34 remitted to the state treasurer in accordance with the provisions of K.S.A.
35 75-4215, and amendments thereto. Upon receipt of each such remittance,
36 the state treasurer shall deposit the entire amount in the state treasury to
37 the credit of the state general fund.

38 (g) The board, upon request, shall receive from the Kansas bureau of
39 investigation such criminal history record information relating to arrests
40 and criminal convictions as necessary for the purpose of determining
41 initial and continuing qualifications of licensees and applicants for
42 licensure by the board.

43 New Sec. 11. The board shall remit all moneys received from fees,

1 charges or penalties to the state treasurer in accordance with the provisions
2 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
3 remittance, the state treasurer shall deposit the entire amount in the state
4 treasury. Ten percent of each such deposit shall be credited to the state
5 general fund and the balance shall be credited to the nursing fee fund. All
6 expenditures from such fund shall be made in accordance with
7 appropriation acts upon warrants of the director of accounts and reports
8 issued pursuant to vouchers approved by the president of the board or by a
9 person designated by the president of the board.

10 New Sec. 12. A local unit of government shall not establish or
11 maintain professional licensing requirements for a massage therapist
12 licensed under this act. Nothing in this act shall affect local zoning
13 requirements. Local government law enforcement agencies may inspect
14 massage therapy registrations and the business premises where massage
15 therapy is practiced for compliance with applicable laws. Nothing in this
16 section shall be construed to preclude criminal prosecution for a violation
17 of any criminal law. If such inspection reveals the practice of massage
18 therapy by a person without a valid license, the person may be charged
19 with a violation of section 6(b), and amendments thereto.

20 New Sec. 13. (a) When it appears to the board that any person is
21 violating any of the provisions of this act, the board may bring an action in
22 the name of the state of Kansas in a court of competent jurisdiction for an
23 injunction against such violation without regard to whether proceedings
24 have been or may be instituted before the board or whether criminal
25 proceedings have been or may be instituted.

26 (b) The provisions of this section shall take effect on and after
27 September 1, 2017.

28 New Sec. 14. All state agency adjudicative proceedings under the
29 licensed massage therapist act shall be conducted in accordance with the
30 provisions of the Kansas administrative procedure act and shall be
31 reviewable in accordance with the Kansas judicial review act.

32 New Sec. 15. Professional liability insurance coverage shall be
33 maintained in effect by each massage therapist as a condition to rendering
34 professional service as a massage therapist in this state. The board shall fix
35 by rules and regulations the minimum level of coverage for such
36 professional liability insurance.

37 New Sec. 16. On the effective date of this act, nothing in the massage
38 therapist licensure act or in the provisions of K.S.A. 40-2,100 through 40-
39 2,105, and amendments thereto, or K.S.A. 2014 Supp. 40-2,105a through
40 40-2,105d, and amendments thereto, shall be construed to require that any
41 individual, group or blanket policy of accident and sickness, medical or
42 surgical expense insurance coverage or any provision of a policy, contract,
43 plan or agreement for medical service issued on or after the effective date

1 of this act, reimburse or indemnify a person licensed under the massage
2 therapist licensure act for services provided as a massage therapist.

3 New Sec. 17. Sections 1 through 17, and amendments thereto, shall
4 be known and may be cited as the massage therapist licensure act.

5 Sec. 18. K.S.A. 2014 Supp. 74-1112 is hereby amended to read as
6 follows: 74-1112. (a) The board of nursing may require an original
7 applicant for licensure as a professional nurse, practical nurse-~~or~~, mental
8 health technician *or massage therapist* to be fingerprinted and submit to a
9 state and national criminal history record check. The fingerprints shall be
10 used to identify the applicant and to determine whether the applicant has a
11 record of criminal history in this state or other jurisdictions. The board of
12 nursing is authorized to submit the fingerprints to the Kansas bureau of
13 investigation and the federal bureau of investigation for a state and
14 national criminal history record check. The board of nursing may use the
15 information obtained from fingerprinting and the applicant's criminal
16 history for purposes of verifying the identification of any applicant and in
17 the official determination of character and fitness of the applicant for any
18 licensure to practice professional or practical nursing-~~or~~, mental health
19 technology *or massage therapy* in this state.

20 (b) Local and state law enforcement officers and agencies shall assist
21 the board of nursing in taking and processing of fingerprints of applicants
22 to practice professional or practical nursing-~~or~~, mental health technology
23 *or massage therapy* in this state and shall release all records of adult
24 convictions and nonconvictions and adult convictions or adjudications of
25 another state or country to the board of nursing.

26 (c) The board shall fix a fee for fingerprinting of applicants or
27 licensees, or both, as may be required by the board in an amount necessary
28 to reimburse the board for the cost of the fingerprinting. Fees collected
29 under this subsection shall be deposited in the criminal background and
30 fingerprinting fund.

31 (d) There is hereby created in the state treasury the criminal
32 background and fingerprinting fund. All moneys credited to the fund shall
33 be used to pay the Kansas bureau of investigation for the processing of
34 fingerprints and criminal history background checks for the board of
35 nursing. The fund shall be administered by the board of nursing. All
36 expenditures from the fund shall be made in accordance with appropriation
37 acts upon warrants of the director of accounts and reports issued pursuant
38 to vouchers approved by the president of the board or a person designated
39 by the president.

40 Sec. 19. K.S.A. 2014 Supp. 74-1112 is hereby repealed.

41 Sec. 20. This act shall take effect and be in force from and after its
42 publication in the statute book.