

cians from hospitals maintained by it or its municipalities²⁶⁹ and may regulate the practice of dentistry by prescribing qualifications that are reasonably necessary, requiring licenses, establishing a supervisory administrative board, or prohibiting certain advertising regardless of its truthfulness.²⁷⁰ The Court has sustained a law establishing as a qualification for obtaining or retaining a pharmacy operating permit that one either be a registered pharmacist in good standing or that the corporation or association have a majority of its stock owned by registered pharmacists in good standing who were actively and regularly employed in and responsible for the management, supervision, and operation of such pharmacy.²⁷¹

Although statutes requiring pilots to be licensed²⁷² and setting reasonable competency standards (*e.g.*, that railroad engineers pass color blindness tests) have been sustained,²⁷³ an act making it a misdemeanor for a person to act as a railway passenger conductor without having had two years' experience as a freight conductor or brakeman was invalidated as not rationally distinguishing between those competent and those not competent to serve as conductor.²⁷⁴ An act imposing license fees for operating employment agencies and prohibiting them from sending applicants to an employer who has not applied for labor does not deny due process of law.²⁷⁵ Also, a state law prohibiting operation of a "debt pooling" or a "debt adjustment" business except as an incident to the legitimate practice of law is a valid exercise of legislative discretion.²⁷⁶

²⁶⁹ *Collins v. Texas*, 223 U.S. 288 (1912); *Hayman v. Galveston*, 273 U.S. 414 (1927).

²⁷⁰ *Semler v. Dental Examiners*, 294 U.S. 608, 611 (1935). *See also* *Douglas v. Noble*, 261 U.S. 165 (1923); *Graves v. Minnesota*, 272 U.S. 425, 427 (1926).

²⁷¹ *North Dakota State Bd. of Pharmacy v. Snyder's Drug Stores*, 414 U.S. 156 (1973). In the course of the decision, the Court overruled *Liggett Co. v. Baldridge*, 278 U.S. 105 (1928), in which it had voided a law forbidding a corporation to own any drug store, unless all its stockholders were licensed pharmacists, as applied to a foreign corporation, all of whose stockholders were not pharmacists, which sought to extend its business in the state by acquiring and operating therein two additional stores.

²⁷² *Olsen v. Smith*, 195 U.S. 332 (1904).

²⁷³ *Nashville, C. & St. L. R.R. v. Alabama*, 128 U.S. 96 (1888).

²⁷⁴ *Smith v. Texas*, 233 U.S. 630 (1914). *See* *DeVeau v. Braisted*, 363 U.S. 144, 157–60 (1960), sustaining a New York law barring from office in a longshoremen's union persons convicted of a felony and not thereafter pardoned or granted a good conduct certificate from a parole board.

²⁷⁵ *Brazee v. Michigan*, 241 U.S. 340 (1916). With four Justices dissenting, the Court in *Adams v. Tanner*, 244 U.S. 590 (1917), struck down a state law absolutely prohibiting maintenance of private employment agencies. Commenting on the "constitutional philosophy" thereof in *Lincoln Federal Labor Union v. Northwestern Iron & Metal Co.*, 335 U.S. 525, 535 (1949), Justice Black stated that *Olsen v. Nebraska ex rel. Western Reference and Bond Ass'n*, 313 U.S. 236 (1941), "clearly undermined *Adams v. Tanner*."

²⁷⁶ *Ferguson v. Skrupa*, 372 U.S. 726 (1963).