

HOUSE No. 1361

By Mr. Connolly of Boston, petition of Joseph B. Harrington and another for legislation to regulate certain experiments with animals. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT TO REGULATE CERTAIN EXPERIMENTS WITH ANIMALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. A person shall not perform on a living
2 mammalian animal any pain-producing experiment
3 except subject to the restrictions imposed by this act.
4 Any person performing or taking part in performing
5 any said experiment in contravention of this act shall
6 be guilty of an offence against this act, and shall, if it
7 be a first offence, be liable to a fine not exceeding two
8 hundred and fifty dollars, and, if it be a second or any
9 subsequent offence, shall be liable to a fine not ex-
10 ceeding five hundred dollars or to imprisonment for
11 a period of three months for each such offence.

1 SECTION 2. The following restrictions are imposed
2 by this act with respect to the performance on any
3 such living animal of any pain-producing experi-
4 ment:—

- 5 1. The experiment must be performed with a view
6 to the advancement of new discovery of physiological
7 knowledge or knowledge which will be useful for saving
8 or prolonging life or alleviating suffering of man or
9 animals.
- 10 2. The experiment must be performed by a person
11 holding a license issued by the commissioner of public
12 safety as provided in this act.
- 13 3. The animal must during the whole of the experi-
14 ment be under the influence of some anaesthetic of
15 sufficient power to prevent the animal feeling pain.
- 16 4. The animal must, if the pain is likely to continue
17 after the effect of the anaesthetic has ceased, or if any
18 serious injury has been inflicted on the animal, be
19 killed before it recovers from the influence of the
20 anaesthetic which has been administered.
- 21 5. The experiment shall not be performed as an
22 illustration of lectures in medical schools, hospitals,
23 colleges or elsewhere.
- 24 6. The experiment shall not be performed for the
25 purpose of attaining manual skill; provided, as
26 follows:—
- 27 (a) Experiments may be performed under the fore-
28 going provisions as to the use of anaesthetics by a
29 person giving illustrations of lectures in medical
30 schools, hospitals or colleges, or elsewhere, on such
31 certificate given as in this act mentioned that the
32 proposed experiments are absolutely necessary for the
33 due instruction of the persons to whom such lectures
34 are given with a view to their acquiring physiological
35 knowledge or knowledge which will be useful to them
36 for saving or prolonging life or alleviating suffering of
37 man or animal;
- 38 (b) Experiments may be performed without anaes-

39 thetics on such certificate's being given as in this act
40 mentioned that insensibility cannot be produced
41 without necessarily frustrating the object of such
42 experiments;

43 (c) Experiments may be performed without the
44 person who performs such experiments being under the
45 obligation to cause the animal on which any such
46 experiment is performed to be killed before it recovers
47 from the influence of an anaesthetic on such certificates
48 being given as in the act mentioned that the so killing
49 the animal would necessarily frustrate the object of
50 the experiment; and provided, that the animal be
51 killed as soon as such object has been attained;

52 (d) Experiments may be performed not directly for
53 the advancement by new discovery of physiological
54 knowledge, or of knowledge which will be useful for
55 saving or prolonging life or alleviating suffering of
56 man or animals, but for the purpose of testing a
57 particular former discovery alleged to have been made
58 for the advancement of such knowledge, on such cer-
59 tificate's being given as in this act mentioned that such
60 testing is absolutely necessary for the effectual ad-
61 vancement of such knowledge.

62 (e) Notwithstanding anything in this act contained,
63 an experiment calculated to give pain shall not be
64 performed without anaesthetic on a dog or cat, except
65 on such certificate's being given as in this act men-
66 tioned, stating in addition to the statements herein-
67 before required to be made in such certificate, the
68 object of the experiment will necessarily be frustrated
69 unless it is performed on an animal similar in con-
70 stitution and habits to a cat or dog, and no other
71 animal is available for such experiment; and a pain-
72 producing experiment shall not be performed on any

73 horse or mule, except on such certificate's being given
74 as in this act mentioned, that the object of the experi-
75 ment will be necessarily frustrated unless it is per-
76 formed on a horse or mule, and that no other animal is
77 available for such experiment.

78 (f) Any exhibition to the general public whether
79 admitted on payment of money or gratuitously, of
80 experiments on living animals calculated to give pain
81 to them shall be illegal. Any person performing or
82 aiding in the performance of such experiments shall
83 be deemed guilty of an offence against this act.

1 SECTION 3. The commissioner of public safety
2 shall issue such licenses as may be provided for in this
3 act. No license shall be issued to any person unless a
4 certificate is filed by the board of registration in
5 medicine to the effect that the applicant is of such
6 reliability or training or education as to reasonably
7 qualify him to take part in experimentation referred
8 to herein; and that such experimentation shall be
9 performed only in a place or institution possessed of
10 adequate and humane facilities and which is itself in
11 possession of a license issued by the commissioner of
12 public safety after certification as to these facilities
13 as provided herein. Such license shall be for three
14 years and may be revoked by the commissioner of
15 public safety for any failure of the licensee to comply
16 with this act or with the conditions of his license.
17 The fee for the license shall be five dollars to be paid
18 before the license is issued.

1 SECTION 4. The board of registration in medicine
2 shall prepare from time to time, and transmit to the
3 commissioner of public safety, a current list of places

4 as described in section three, and in passing upon
5 inclusion in or exclusion from the list the said board
6 shall consider the skill, experience, facilities for com-
7 fortable and humane care of animals, and scientific
8 equipment and standing of each school, college,
9 hospital or laboratory concerned. The current said
10 list, and the names of persons licensed hereunder,
11 shall be kept in the offices of the commissioner of public
12 safety as a public record open to public inspection
13 without fee.

1 SECTION 5: The certificate for experiments given
2 hereunder by a licensee shall be in such form as the
3 commissioner of public safety shall from time to time
4 prescribe, shall set out the kind and approximate
5 number of animals to be used, the place or places of
6 performance of the experiment, and other facts and
7 information herein prescribed; and a series of experi-
8 ments covering a period of not more than three months
9 may be covered by a single certificate.

1 SECTION 6. The commissioner of public safety,
2 the department of public health, and their respective
3 agents may inspect any place or establishment where
4 experiments licensed hereunder or described herein are
5 conducted.

