

HOUSE No. 1250

By Mr. Harrington of Salem, petition of Edwin W. Hadley and Joseph B. Harrington for legislation to regulate certain experiments with animals. Legal Affairs.

The Commonwealth of Massachusetts

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

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 animal any experiment calculated to give pain to it
3 except subject to the restrictions imposed by this
4 act. Any person performing or taking part in per-
5 forming any experiment calculated to give pain in
6 contravention of this act shall be guilty of an offence
7 against this act, and shall, if it be a first offence, be
8 liable to a fine not exceeding two hundred and fifty
9 dollars, and, if it be a second or any subsequent
10 offence, shall be liable to a fine not exceeding five
11 hundred dollars or to imprisonment for a period of
12 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 living animal of any experiment calculated to give
4 pain to it:

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 sav-
8 ing or prolonging life or alleviating suffering; and

9 2. The experiment must be performed by a person
10 holding a license issued by the Board of Registration
11 in Medicine as provided in this act; and

12 3. The animal must during the whole of the experi-
13 ment be under the influence of some anaesthetic of
14 sufficient power to prevent the animal feeling pain;
15 and

16 4. The animal must, if the pain is likely to con-
17 tinue after the effect of the anaesthetic has ceased, or
18 if any serious injury has been inflicted on the animal,
19 be killed before it recovers from the influence of the
20 anaesthetic which has been administered; and

21 5. The experiment shall not be performed as an
22 illustration of lectures in medical schools, hospitals,
23 colleges or elsewhere; and

24 6. The experiment shall not be performed for the
25 purpose of attaining manual skill.

26 Provided as 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
33 the due instruction of the persons to whom such
34 lectures are given with a view to their acquiring
35 physiological knowledge or knowledge which will
36 be useful to them for saving or prolonging life or
37 alleviating suffering; and

38 *b.* Experiments may be performed without an-
39 aesthetics on such certificate's being given as in this
40 act mentioned that insensibility cannot be produced
41 without necessarily frustrating the object of such
42 experiments; and

43 *c.* Experiments may be performed without the
44 person who performs such experiments being under
45 the 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 cer-
48 tificate's being given as in the act mentioned that
49 the so killing the animal would necessarily frustrate
50 the object of the experiment, and provided that the
51 animal be killed as soon as such object has been
52 attained; and

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

63 *e.* Notwithstanding anything in this act contained,
64 an experiment calculated to give pain shall not be
65 performed without anaesthetics on a dog or cat,
66 except on such certificate's being given as in this
67 act mentioned, stating in addition to the statements
68 hereinbefore required to be made in such certificate,
69 the object of the experiment will necessarily be frus-
70 trated unless it is performed on an animal similar
71 in constitution and habits to a cat or dog, and no

72 other animal is available for such experiment; and
73 an experiment calculated to give pain shall not be
74 performed on any horse or mule, except on such
75 certificate's being given as in this act mentioned,
76 that the object of the experiment will be necessarily
77 frustrated unless it is performed on a horse or mule,
78 and that no other animal is available for such ex-
79 periment.

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

1 SECTION 3. The board of registration in medicine
2 may license any person whom it may find qualified to
3 perform experiments under this act. A license
4 granted by it may be for such time as it may think
5 fit, and may be revoked for cause. There may be
6 annexed to such license any conditions which the
7 board may think expedient for the purpose of better
8 carrying out the objects of this act, but not incon-
9 sistent with the provisions thereof.

1 SECTION 4. The board of registration in medicine
2 may insert, as a condition of granting any license, a
3 provision in such license that the place in which
4 any experiment is to be performed by the licensee is
5 to be registered in such general manner as the board
6 may from time to time by any general or special order
7 direct.

1 SECTION 5. This act shall not apply to invertebrate
2 animals.