

## Discussion Paper

# State Laws Restricting Animal Experiments in Secondary Schools

Margaret Morrison

Statutory proscriptions concerning the use of live animals in elementary and secondary schools in the United States are significantly less restrictive and comprehensive than the laws, regulations and guidelines pertaining to the professional biomedical research community. This can be attributed to the fact that the federal Animal Welfare Act does not apply to elementary and secondary schools which were expressly exempted in the 1970 Animal Welfare Act Amendments. Therefore, these institutions are not subject to inspection by the U.S. Department of Agriculture, nor are they required to adhere to the standards and guidelines, promulgated under the Animal Welfare Act, covering the humane care, handling and treatment of the animals regulated by the Act. For example, all regulated research facilities are directed to medicate experimental animals to minimize pain and to file reports certifying their compliance with this standard. No similar assurances need be provided regarding experimentation in the elementary or secondary classroom setting.

The use of animals in elementary or secondary schools is also not subject to the rigorous criteria, established by the National Institutes of Health (NIH) Principles on the use of live animals, that apply to recipients of HEW grants and contracts. It is difficult to understand why established biomedical researchers should be subject to more stringent controls than high school students.

Several years ago, legislation was introduced into the U.S. Congress to prohibit the use of animals in painful experiments in primary and secondary schools. However, no action was taken on this legislation, and the bill has not been reintroduced in subsequent Congresses.

It has been on the state level that legislation regarding the use of animals in elementary and secondary schools has been considered and passed. Although it can be argued that the potential exists for the use of state anti-cruelty statutes to stop any cruel experiment in a school, these laws are generally not applied in this fashion. Several states have actually exempted any research or experimentation from their anti-cruelty laws, while in other states, the statutes have never been interpreted to cover such abuse of animals incidental to research procedures or experiments. For this reason, the following states have enacted laws restricting, to varying degrees, experimentation in the schools.

## California

In 1973, the California state legislature passed the following law which is considered to be the most effective bill prohibiting precollege experimentation on vertebrates. Several years prior to this, California licensed high schools conducting animal experimentation under its animal care law.

### Article 2. Humane Treatment of Animals

1040. In the public elementary and high schools or in public elementary and high school-sponsored activities and classes held elsewhere than on school premises, live vertebrate animals shall not, as part of a scientific experiment or any purpose whatever:

(a) Be experimentally medicated or drugged in a manner to cause painful reactions or induce painful or lethal pathological conditions.

(b) Be injured through any other treatments, including, but not limited to, anesthetization or electric shock.

Live animals on the premises of a public elementary or high school shall be housed and cared for in a humane and safe manner.

The provisions of this section are not intended to prohibit or constrain vocational instruction in the normal practices of animal husbandry. 1973 Cal. Stats. Ch. 76.

## Connecticut

In February, 1968, the Connecticut State Board of Education adopted the following policy:

1. Animals should always be maintained under the best possible conditions of health, comfort and well-being.

2. No vertebrate animal should be subjected to any experiment or procedure which interferes with its normal health or causes it pain or distress.

3. Any experiment which involves the use of vertebrate animals should be carried out by or under the personal direction of a person trained and experienced in approved techniques for such experiments.

Although this avowed policy may provide a useful guideline, it is by no means an absolute bar to inappropriate experimentation in the schools.

## Illinois

### Experiments Upon Animals (1961 Statute)

No experiment upon any living animal for the purpose of demonstration in any study shall be made in any public school. No animal provided by, or killed in the presence of any pupil of a public school shall be used for dissection in such school, and in no case shall dogs or cats be killed for such purposes. Dissection of dead animals, or parts thereof, shall be confined to the classroom and shall not be practiced in the presence of any pupil not engaged in the study to be illustrated thereby. 1961 Ill. Laws, § 27-14.



The 1961 statute has recently been subject to legislative challenge. This is referred to at length by Dr. Wayne Moyer in his discussion paper. It should be noted that, up to the occurrence which led to the proposed amendment, the Illinois law was one of the more obscure laws dealing with animal experimentation in the schools.

The proposed attempt to modify the existing statute by tying it into state anti-cruelty and animal welfare laws would be ineffective as neither of these laws has any real applicability to animal experimentation. The laws would not serve to classify acceptable and nonacceptable uses of animals and the result of the proposed changes could virtually eliminate any restriction on painful experimentation in Illinois schools.

## Maine

Maine enacted the following law in 1975:

### Vivisection Prohibited in Public and Private Schools

1. Use of animals in elementary schools. No school principal or headmaster shall allow any live vertebrate to be used in grades kindergarten through 8 of any public or private school as part of a scientific experiment or for any other purpose in which said vertebrates are experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions. No live vertebrate shall be used as part of a scientific experiment or for any other purpose in grades kindergarten through 8 in which said vertebrates are injured through any other type of treatment, including but not limited to anesthetization or electric shock. These provisions shall also apply to any activity associated with or sponsored by the school system.

2. Use of animals in secondary schools. No school principal or headmaster shall allow any live mammal, bird or chelonian, excepting bird eggs, to be used in any scientific experiment or for any other purpose in grades 9 through 12 in which said mammals, birds or chelonians are subjected to treatment and conditions prohibited in subsection 1. These provisions shall also apply to any activity associated with or sponsored by the school system.

3. Treatment of animals in general in grades kindergarten through 12. Live animals used as class pets or for purposes not prohibited in subsections 1 and 2 in grades kindergarten through 12 shall be housed or cared for in a safe and humane manner. Said animals shall not remain in school over periods when such schools are not in session, unless adequate care is provided at all times.

4. Standards of treatment. Any animal, whose use is permitted under this section, shall be treated in accordance with a set of ethical and humane standards to be promulgated by the Commissioner of Agriculture, Division of Animal Welfare, after the consultation with representative groups in the State having an interest or expertise in the field of animal welfare, biology and education.

5. Enforcement. Enforcement shall be the responsibility of the Commissioner of Agriculture in consultation with the Commissioner of Educational and Cultural Services.

6. Penalty for violations. Whoever violates this section shall be punished by a fine of not more than \$75.

7. Exemption. This section shall not apply to vocational agricultural courses, Future Farmers of America, school-sponsored 4-H clubs and similar school activities where improved nutrition and good and proper animal husbandry are the objectives. Maine Rev. Stat. Ann. 7, § 1055.

It is reported that this law is not being enforced and that many teachers are not aware of its existence.

## Massachusetts

In 1979, the Governor signed into law a bill to replace Massachusetts' blanket antivivisection statute which was generally ignored. The bill had been sponsored by a high school biology teacher who was concerned that painful and manipulative animal experimentation was widespread in Massachusetts despite the old law banning vivisection in the schools. Following is the text of the amended law.

**Section 1.** Section thirty-three of chapter seventy-one of the General Laws is hereby repealed.

**Section 2.** Chapter 272 of the General Laws is hereby amended by inserting after section 80, inserted by chapter 112 of the acts of 1977, the following section:

**Section 80.** No school principal, administrator or teacher shall allow any live vertebrate to be used in any elementary or high school under state control or supported wholly or partly by public money of the state as part of a scientific experiment or for any other purpose in which said vertebrates are experimentally medicated or drugged in a manner to cause painful reactions or to induce painful or lethal pathological conditions, or in which said vertebrates are injured through any other type of treatment, experiment or procedure including but not limited to anesthetization or electric shock, or where the normal health of said animal is interfered with or where pain or distress is caused.

No person shall, in the presence of a pupil in any elementary or high school under state control or supported wholly or partly by public money of the state, practice vivisection, or exhibit a vivisected animal. Dissection of dead animals or any portions thereof in such schools shall be confined to the classroom and to the presence of pupils engaged in the study to be promoted thereby, and shall in no case be for the purpose of exhibition.

Live animals used as class pets or for purposes not prohibited in paragraphs one and two hereof in such schools shall be housed or cared for in a safe and humane manner. Said animals shall not remain in school over per-

iods when such schools are not in session, unless adequate care is provided at all times.

The provisions of the preceding three paragraphs shall also apply to any activity associated with or sponsored by the school.

Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars. 1979 Mass. Acts Ch. 439.

### *Pennsylvania*

In 1949, the Pennsylvania state legislature passed its Humane Education Statute Article XV SS1514, "No cruel experiment on any living creature shall be permitted in any public school of this Commonwealth." (1949 Pa. Laws Art. XV § 1514.) Unfortunately, there is no evidence to suggest that this law has ever been tested in the courts or that it has any real effect on the types of experiments conducted in Pennsylvania schools.

## Discussion Paper

# The Debate Over Animal Rights: An Introduction\*

Tom Regan

There is a growing interest in some circles in the idea of animal rights. Not surprisingly, others find the very idea laughable. But laughter is no substitute for informed judgement and the ideas people find most amusing, sometimes turn out to be the very ones that most challenge their slumbering prejudices. The present essay is an attempt to take a few first steps. In Part I, the ideas of moral and legal rights are compared and contrasted. The question of what constitutes a "right" is discussed in order to provide a clearer focus for the rest of the paper. In Parts II and III, arguments for and against ascribing to animals moral and legal rights are examined. Part IV sketches some implications and poses some questions for further thought.

### *I. Moral Rights and Legal Rights*

A *right* can be understood as a valid claim the possessor has against another. For example, if I have a right to an inheritance, then I can not only claim that the inheritance is mine (that is, not only am I empowered to say that is mine)—I am justified in taking certain steps to see that I actually get it (that is, my claim is valid). By contrast, someone who does not have a right to an inheritance may claim it is his but, lacking any right to it, he is not justified in taking steps to get it. The criteria establishing the validity of anyone's claim varies depending on whether one is speaking of moral rights or legal rights. Legal rights acquire their validity from the law while moral rights acquire their validity from the principles of an enlightened morality. Both ideas need to be explained more fully, beginning with the idea of legal rights.

It is clear that the laws of one country frequently differ from the laws of another. This variability occurs because laws are created by the legislative acts or decrees of various persons living in various countries at various times and, like other creative activities, the products of this one are bound to differ. A similar situation occurs in the case of legal rights of the citizens of various countries. Moreover, because legal rights are made by humans, they can also be unmade. For example, slave owners in the United States once had the legal right, based on property rights, to buy and sell slaves.

The idea of a moral right differs in important respects from that of a legal right.

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