



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
TEL. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

June 19, 1989

To the Honorable, the City Council:

Enclosed is the ordinance which was agreed to by all three members of the Committee. Also enclosed are two amendments which the Committee wishes to be presented to the City Council. Amendment A has the support of two members; Amendment B supported by one member. In any event, the Committee requested that Section 11-34 be amended to reflect the language of one or the other.

Very truly yours,

Robert W. Healy,  
City Manager

RWH/dls



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ROBERT W. HEALY

City Manager

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Deputy City Manager

June 16, 1989

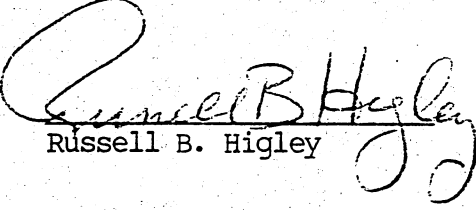
To The Honorable City Council  
City Hall  
Cambridge, MA 02139

Re: Care and Use of Laboratory Animals

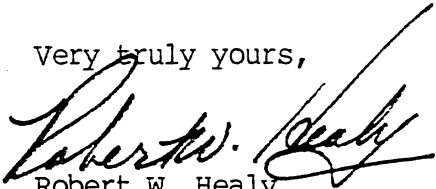
Dear Mayor Vellucci and City Councillors:

The City Manager and the City Solicitor met with the Mayor's Blue Ribbon Committee on Thursday, June 15, 1989 at 4:30 p.m.

Enclosed is the ordinance which was agreed to by all three members of the Committee. Also enclosed are two amendments which the Committee wishes to be presented to the City Council. Amendment A has the support of two members; Amendment B supported by one member. In any event, the Committee requested that Section 11-34 be amended to reflect the language of one or the other.

  
Russell B. Higley

Very truly yours,

  
Robert W. Healy



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

## AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

*Be it ordained by the City Council of the City of Cambridge as follows:*

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV  
ORDINANCE FOR THE CARE AND USE OF LABORATORY  
ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution upon a live animal.
- (c) A research institution is any facility operated in the City of Cambridge, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which, in connection with any of its activities, investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal

conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

Section 11-31. COMMISSIONER OF LABORATORY ANIMALS

The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. The CLA should neither be aligned with an antivivisection or research institution. The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

Section 11-32. REGISTRATION AND REGISTRATION FEE

Each research institution shall register with the CLA.

Section 11-33. GUIDELINES FOR THE CARE AND USE OF ANIMALS

All experiments on all animals within the City of Cambridge shall be undertaken in conformity with all federal, state, and local statutes, ordinances, and regulations concerning the welfare of animals including the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act (7 U.S.C. sections 2131, et seq.), the Health

research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

Section 11-34. ANIMAL CARE AND USE COMMITTEES

Each institution that performs research, experiments, or biotechnical procedures using animals shall maintain or establish an autonomous animal care and use committee with the power to disapprove or restrict research, experiments, or biotechnical procedures regarding the care and use of laboratory animals in accordance with the standards set forth in Section 11-33. Each animal care and use committee shall have a member who is not and has not been affiliated with the institution.

Section 11-35. REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CLA at the time of his annual visit:

- (a) The number and species of animals used in the previous year.
- (b) The results of all federal and state inspections concerning animal care and use in the previous year.
- (c) The name and occupation of the non-affiliated members of the animal care and use committee.
- (d) The dates of meetings of the animal care and use committee held in the previous year.
- (e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CLA shall make at least one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CLA may inspect any animal care and use committee reports and documents on his annual visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. VIOLATIONS

Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense.

Section 11-39. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

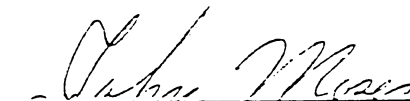
4/4/89

RECOMMENDATIONS PROPOSED BY JOHN MOSES AND STUART WILES

For the Appointment of a Non-affiliated Member to the  
animal care and use committee

1. An individual not affiliated with the institution in any way and who is neither alligned with an antivivisection nor a biomedical research or other biotechnical organization or movement shall be appointed to the animal care and use committee. The non-affiliated person should be knowledgable about animal welfare philosophy and about the purpose of scientific research. The appointment of the non-affiliated member shall be made by the chief executive of the institution for a term of one year subject to renewal at the expiration of the term. Appointment and renewal shall be binding only on approval of the Commissioner of Laboratory Animals.

Signed:

  
\_\_\_\_\_  
John Moses, M.D.

  
\_\_\_\_\_  
Stuart Wiles, V.M.D.

RECOMMENDATION PROPOSED BY STEVEN WISE

For the Appointment of a non-affiliated member  
to each animal care and use committee

1. Each animal care and use committee shall be broad-based in its membership and include at least one member unaffiliated with the research institution who shall be an animal welfare advocate appointed by the Commissioner of Laboratory Animals in cooperation with local animal welfare groups.

*William  
For Dr. Azari*

*Commencement on 7-15 at 4/10/85  
p. 2 Mayor Villare*

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

### AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

*Be it ordained by City Council of the City of Cambridge*

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

#### ARTICLE IV

#### ORDINANCE FOR THE CARE AND USE OF LABORATORY ANIMALS IN THE CITY OF CAMBRIDGE

##### Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution on a live animal.
- (c) A painful experiment is an experiment that involves significant pain or distress to the animal. This shall include but not be limited to such experiments as:
  - (1) Deliberate induction of behavioral stress, loss of sight, the Draize eye irritancy test, or similar debilitation to test its effect;
  - (2) Surgical procedures such as the invasion and exposure of body cavities, orthopedics, or dental work, and those that result in significant post-operative pain or distress;
  - (3) Induction of an anatomic or physiological deficit which will result in pain or distress;
  - (4) Application of noxious stimuli such as trauma or electric shock from which escape is impossible;

- (5) Prolonged periods of physical restraint;
  - (6) Deprivation studies such as those withholding food, water, sleep, or maternal contact for infants;
  - (7) Induction of aggressive, self-mutilating, or psychotic behavior;
  - (8) Toxicity studies, radiation sickness, burns, and stress research; and,
  - (9) Killing by inhumane means.
- (d) A research institution is any facility or facilities operated in the City of Cambridge, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which in connection with any of its activities investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.
- (e) The Animal Commission is as created by Ordinance No. 897 of the Code of the City of Cambridge and any amendments thereof, or its designated agents.

#### Section 11-31 REGISTRATION

Each research institution shall register with the Animal Commission of the City of Cambridge (hereinafter "Animal Commission") within ninety days of the enactment of this Ordinance or the first day of conducting experiments in Cambridge.

#### Section 11-32 REPORTING REQUIREMENTS

- (a) On June 30 and December 31 of each year each research institution shall file a report with the Animal Commission that sets forth the type, number and source of animals used in the preceding six months.

- (b) On March 31, June 30, September 30 and December 31 of each year, each research institution shall file with the Animal Commission copies for the preceding quarter of the following:
- (1) minutes of all meetings of the Animal Care Committee required by Section 11-36,
  - (2) any reports relating to or affecting experiments which a research institution or an Animal Care Committee is required to submit to a federal or state agency pursuant to a federal or state statute or regulation or in connection with an approved funding request, and
  - (3) protocols of all painful experiments approved by the Animal Care Committee.

If any copies required under clauses (1), (2) or (3) contain a trade secret, a description that includes specific information about the nature and purpose of the material or process may be substituted for the trade secret. Said copies may also delete any confidential financial information entitled to protection under Section 11-39(a)(2).

#### Section 11-33 GUIDELINES FOR ANIMAL EXPERIMENTS

- (a) All experiments in the City of Cambridge shall be undertaken in conformity with the current Guide for the Care and Use of Animals of the National Institutes of Health and succeeding revised editions thereof, Animal Welfare Act (7 U.S.C. Sections 2131, *et seq*) and federal regulations pursuant to the act, Public Health Service Policy on Humane Care and Use of Laboratory Animals as amended from time to time, statutes and regulations of the Commonwealth of Massachusetts, and ordinances and regulations of the City of Cambridge.
- (b) All euthanasia must be performed by an overdose of barbiturates unless otherwise required by an experimental protocol approved by the Animal Care Committee.
- (c) All animals shall have sufficient space to move around and provision shall be made to provide for at least two hours a day of exercise.

- (d) All mammals belonging to non-domesticated species shall be housed in groups whose sizes are similar to the size of the social group in which the species normally lives in nature.
- (e) All primates shall be housed in a living environment which shall be sufficiently varied and stimulating to provide for their psychological needs.
- (f) Exemptions to Section 11-33(c) through (e) shall be made only if deemed necessary to provide adequate veterinary care to an individual animal by the attending veterinarian who shall be required to notify the Animal Care Committee and the Animal Commission of the justification for such an exemption or if said exemption is specifically required by a protocol approved by the Animal Care Committee provided that such approval shall be given only if the exemption is for an experiment which is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

Section 11-34 GUIDELINES FOR PAINFUL EXPERIMENTS

Each research institution shall provide continuous monitoring by a qualified veterinary technician of the pain and distress of each animal. Such individual shall alleviate pain or distress except to the extent that said pain or distress has been described in the protocol and an exemption has been made to this provision by the Animal Care Committee in conformity with Section 11-37.

Section 11-35 TRAINING OF PERSONNEL

Each person involved in the care or use of animals at a research institution shall successfully complete a training program approved by the Animal Commission that teaches the requirements set forth in Sections 11-33 and 11-34.

Section 11-36 ANIMAL CARE COMMITTEES

- (a) Each research institution shall have an Animal Care Committee which

shall be appointed by the City Manager. Said Committee shall ensure compliance with provisions of this Ordinance.

- (b) The Animal Care Committee shall be broad-based in its composition and shall include at least one member who is a biomedical scientist, one member who is a veterinarian, and one member who is nominated by an animal protection organization such as the Massachusetts Society for the Prevention of Cruelty to Animals, provided that no more than one-fourth of the members may be employees of any research institution or have a direct financial interest in animal experimentation or be close relatives of such individuals.
- (c) All members of the Animal Care Committee shall have access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the Animal Commission.
- (d) A description of all experiments conducted at the research institution shall be provided to the Animal Care Committee. Said description shall include the number and species of animals killed during or after each experiment and the cause of their death.
- (e) No painful experiment shall be performed without the prior written approval of the Animal Care Committee. Such approval shall be given only if non-animal methods are not available which would provide comparable information, and only if the anesthesia, analgesia, and tranquilizers used are adequate to alleviate pain or distress at all times except as provided by Section 11-37.
- (f) Each Animal Care Committee shall keep accurate minutes of its deliberations. Said minutes shall include information provided under subsections (c) and (d).

#### Section 11-37 COMMUNITY ETHICAL STANDARDS

No painful experiment in which anesthesia, analgesia, and tranquilizers used are not adequate to alleviate pain or distress at all times shall be conducted unless said experiment is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

The Draize test is specifically banned. The LD-50, LD-25, LD-75 or other similar test is specifically banned.

#### Section 11-38 INSPECTIONS AND INVESTIGATIONS

- (a) The Animal Commission shall:
  - (1) Conduct periodic unannounced site visits to research institutions to ensure compliance with this Ordinance, and
  - (2) Investigate alleged violations of this Ordinance if there is probable cause for such investigation.
- (b) Each research institution shall produce all documents relating to or affecting the treatment of animals which are requested by the Animal Commission in order to carry out its inspections and investigations.
- (c) Each research institution shall provide complete access to the Animal Commission in order for the Animal Commission to carry out its inspections and investigations.

#### Section 11-39 TRADE SECRETS

- (a) It shall be unlawful for any member of an Animal Care Committee to release any confidential information of the research institution including information that concerns or relates to:
  - (1) the trade secrets; or
  - (2) the identity, confidential statistical data, amount or source of income, profits, losses, or expenditures of the research institution.Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.
- (b) It shall be unlawful for any member of the Animal Care Committee to:
  - (1) use or attempt to use to his or her financial advantage; or

(2) reveal to any other person any information which is entitled to protection as confidential information under subsection (a).

(c) A violation of subsections (a) or (b) shall be punishable by:

(1) removal from such Committee; and

(2) a fine of not more than \$500 or, if the violation is willful, a fine of not more than \$2,000.

#### Section 11-40 VIOLATIONS

Any research institution that violates this Ordinance shall be punished by a fine of not less than one hundred dollars and not more than two hundred fifty dollars per violation per day. The Director of the Animal Commission may order closed any research institution that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected. The Director of the Animal Commission or any charitable corporation whose purposes include the protection of the welfare of animals may bring suit in the Superior Court to enjoin any violations of this Ordinance and to enforce its provisions and shall receive reasonable attorney's fees if it is a prevailing party.

#### Section 11-41 SEVERABILITY OF SECTIONS

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. Nothing in this ordinance shall be construed to prohibit anything specifically required by federal or state law.

*William  
For Dr. Azari*

*Commencement 7-15 4/10/85  
p. 2 Mayor Villare*

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

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- (b) It shall be unlawful for any member of the Animal Care Committee to:
  - (1) use or attempt to use to his or her financial advantage; or

(2) reveal to any other person any information which is entitled to protection as confidential information under subsection (a).

(c) A violation of subsections (a) or (b) shall be punishable by:

- (1) removal from such Committee; and
- (2) a fine of not more than \$500 or, if the violation is willful, a fine of not more than \$2,000.

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*William  
For Dr. Asch*

*Commencement on 7/15 of 7/16/85  
p. 2 Mayor Villare*

**City Of Cambridge**

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

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  - (8) Toxicity studies, radiation sickness, burns, and stress research; and,
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- (d) A research institution is any facility or facilities operated in the City of Cambridge, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which in connection with any of its activities investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.
- (e) The Animal Commission is as created by Ordinance No. 897 of the Code of the City of Cambridge and any amendments thereof, or its designated agents.

#### Section 11-31 REGISTRATION

Each research institution shall register with the Animal Commission of the City of Cambridge (hereinafter "Animal Commission") within ninety days of the enactment of this Ordinance or the first day of conducting experiments in Cambridge.

#### Section 11-32 REPORTING REQUIREMENTS

- (a) On June 30 and December 31 of each year each research institution shall file a report with the Animal Commission that sets forth the type, number and source of animals used in the preceding six months.

- (b) On March 31, June 30, September 30 and December 31 of each year, each research institution shall file with the Animal Commission copies for the preceding quarter of the following:
- (1) minutes of all meetings of the Animal Care Committee required by Section 11-36,
  - (2) any reports relating to or affecting experiments which a research institution or an Animal Care Committee is required to submit to a federal or state agency pursuant to a federal or state statute or regulation or in connection with an approved funding request, and
  - (3) protocols of all painful experiments approved by the Animal Care Committee.

If any copies required under clauses (1), (2) or (3) contain a trade secret, a description that includes specific information about the nature and purpose of the material or process may be substituted for the trade secret. Said copies may also delete any confidential financial information entitled to protection under Section 11-39(a)(2).

#### Section 11-33 GUIDELINES FOR ANIMAL EXPERIMENTS

- (a) All experiments in the City of Cambridge shall be undertaken in conformity with the current Guide for the Care and Use of Animals of the National Institutes of Health and succeeding revised editions thereof, Animal Welfare Act (7 U.S.C. Sections 2131, *et seq*) and federal regulations pursuant to the act, Public Health Service Policy on Humane Care and Use of Laboratory Animals as amended from time to time, statutes and regulations of the Commonwealth of Massachusetts, and ordinances and regulations of the City of Cambridge.
- (b) All euthanasia must be performed by an overdose of barbiturates unless otherwise required by an experimental protocol approved by the Animal Care Committee.
- (c) All animals shall have sufficient space to move around and provision shall be made to provide for at least two hours a day of exercise.

- (d) All mammals belonging to non-domesticated species shall be housed in groups whose sizes are similar to the size of the social group in which the species normally lives in nature.
- (e) All primates shall be housed in a living environment which shall be sufficiently varied and stimulating to provide for their psychological needs.
- (f) Exemptions to Section 11-33(c) through (e) shall be made only if deemed necessary to provide adequate veterinary care to an individual animal by the attending veterinarian who shall be required to notify the Animal Care Committee and the Animal Commission of the justification for such an exemption or if said exemption is specifically required by a protocol approved by the Animal Care Committee provided that such approval shall be given only if the exemption is for an experiment which is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

#### Section 11-34 GUIDELINES FOR PAINFUL EXPERIMENTS

Each research institution shall provide continuous monitoring by a qualified veterinary technician of the pain and distress of each animal. Such individual shall alleviate pain or distress except to the extent that said pain or distress has been described in the protocol and an exemption has been made to this provision by the Animal Care Committee in conformity with Section 11-37.

#### Section 11-35 TRAINING OF PERSONNEL

Each person involved in the care or use of animals at a research institution shall successfully complete a training program approved by the Animal Commission that teaches the requirements set forth in Sections 11-33 and 11-34.

#### Section 11-36 ANIMAL CARE COMMITTEES

- (a) Each research institution shall have an Animal Care Committee which

shall be appointed by the City Manager. Said Committee shall ensure compliance with provisions of this Ordinance.

- (b) The Animal Care Committee shall be broad-based in its composition and shall include at least one member who is a biomedical scientist, one member who is a veterinarian, and one member who is nominated by an animal protection organization such as the Massachusetts Society for the Prevention of Cruelty to Animals, provided that no more than one-fourth of the members may be employees of any research institution or have a direct financial interest in animal experimentation or be close relatives of such individuals.
- (c) All members of the Animal Care Committee shall have access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the Animal Commission.
- (d) A description of all experiments conducted at the research institution shall be provided to the Animal Care Committee. Said description shall include the number and species of animals killed during or after each experiment and the cause of their death.
- (e) No painful experiment shall be performed without the prior written approval of the Animal Care Committee. Such approval shall be given only if non-animal methods are not available which would provide comparable information, and only if the anesthesia, analgesia, and tranquilizers used are adequate to alleviate pain or distress at all times except as provided by Section 11-37.
- (f) Each Animal Care Committee shall keep accurate minutes of its deliberations. Said minutes shall include information provided under subsections (c) and (d).

#### Section 11-37 COMMUNITY ETHICAL STANDARDS

No painful experiment in which anesthesia, analgesia, and tranquilizers used are not adequate to alleviate pain or distress at all times shall be conducted unless said experiment is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

The Draize test is specifically banned. The LD-50, LD-25, LD-75 or other similar test is specifically banned.

#### Section 11-38 INSPECTIONS AND INVESTIGATIONS

- (a) The Animal Commission shall:
  - (1) Conduct periodic unannounced site visits to research institutions to ensure compliance with this Ordinance, and
  - (2) Investigate alleged violations of this Ordinance if there is probable cause for such investigation.
- (b) Each research institution shall produce all documents relating to or affecting the treatment of animals which are requested by the Animal Commission in order to carry out its inspections and investigations.
- (c) Each research institution shall provide complete access to the Animal Commission in order for the Animal Commission to carry out its inspections and investigations.

#### Section 11-39 TRADE SECRETS

- (a) It shall be unlawful for any member of an Animal Care Committee to release any confidential information of the research institution including information that concerns or relates to:
  - (1) the trade secrets; or
  - (2) the identity, confidential statistical data, amount or source of income, profits, losses, or expenditures of the research institution.Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.
- (b) It shall be unlawful for any member of the Animal Care Committee to:
  - (1) use or attempt to use to his or her financial advantage; or

(2) reveal to any other person any information which is entitled to protection as confidential information under subsection (a).

(c) A violation of subsections (a) or (b) shall be punishable by:

- (1) removal from such Committee; and
- (2) a fine of not more than \$500 or, if the violation is willful, a fine of not more than \$2,000.

Section 11-40 VIOLATIONS

Any research institution that violates this Ordinance shall be punished by a fine of not less than one hundred dollars and not more than two hundred fifty dollars per violation per day. The Director of the Animal Commission may order closed any research institution that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected. The Director of the Animal Commission or any charitable corporation whose purposes include the protection of the welfare of animals may bring suit in the Superior Court to enjoin any violations of this Ordinance and to enforce its provisions and shall receive reasonable attorney's fees if it is a prevailing party.

Section 11-41 SEVERABILITY OF SECTIONS

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. Nothing in this ordinance shall be construed to prohibit anything specifically required by federal or state law.

*See  
for As agent*

*Commencement on 7/15/85  
p. 2 Mayor Villure*

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

### AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

*Be it ordained by City Council of the City of Cambridge*

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

#### ARTICLE IV ORDINANCE FOR THE CARE AND USE OF LABORATORY ANIMALS IN THE CITY OF CAMBRIDGE

##### Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution on a live animal.
- (c) A painful experiment is an experiment that involves significant pain or distress to the animal. This shall include but not be limited to such experiments as:
  - (1) Deliberate induction of behavioral stress, loss of sight, the Draize eye irritancy test, or similar debilitation to test its effect;
  - (2) Surgical procedures such as the invasion and exposure of body cavities, orthopedics, or dental work, and those that result in significant post-operative pain or distress;
  - (3) Induction of an anatomic or physiological deficit which will result in pain or distress;
  - (4) Application of noxious stimuli such as trauma or electric shock from which escape is impossible;

- (5) Prolonged periods of physical restraint;
  - (6) Deprivation studies such as those withholding food, water, sleep, or maternal contact for infants;
  - (7) Induction of aggressive, self-mutilating, or psychotic behavior;
  - (8) Toxicity studies, radiation sickness, burns, and stress research; and,
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- (d) A research institution is any facility or facilities operated in the City of Cambridge, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which in connection with any of its activities investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.
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- (c) All animals shall have sufficient space to move around and provision shall be made to provide for at least two hours a day of exercise.

- (d) All mammals belonging to non-domesticated species shall be housed in groups whose sizes are similar to the size of the social group in which the species normally lives in nature.
- (e) All primates shall be housed in a living environment which shall be sufficiently varied and stimulating to provide for their psychological needs.
- (f) Exemptions to Section 11-33(c) through (e) shall be made only if deemed necessary to provide adequate veterinary care to an individual animal by the attending veterinarian who shall be required to notify the Animal Care Committee and the Animal Commission of the justification for such an exemption or if said exemption is specifically required by a protocol approved by the Animal Care Committee provided that such approval shall be given only if the exemption is for an experiment which is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

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- (f) Each Animal Care Committee shall keep accurate minutes of its deliberations. Said minutes shall include information provided under subsections (c) and (d).

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#### Section 11-38 INSPECTIONS AND INVESTIGATIONS

- (a) The Animal Commission shall:
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- (b) Each research institution shall produce all documents relating to or affecting the treatment of animals which are requested by the Animal Commission in order to carry out its inspections and investigations.
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*William  
For Dr. Azari*

*Commencement on 7/15 of 7/15/85  
p. 2 Mayor Villone*

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

### AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

*Be it ordained by City Council of the City of Cambridge*

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

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*Yellow  
For Dr. Azari*

*Commencement on 11/15 at 4/10/85  
p. 2 Mayor Villere*

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

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#### ARTICLE IV

#### ORDINANCE FOR THE CARE AND USE OF LABORATORY ANIMALS IN THE CITY OF CAMBRIDGE

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- (e) The Animal Commission is as created by Ordinance No. 897 of the Code of the City of Cambridge and any amendments thereof, or its designated agents.

#### Section 11-31 REGISTRATION

Each research institution shall register with the Animal Commission of the City of Cambridge (hereinafter "Animal Commission") within ninety days of the enactment of this Ordinance or the first day of conducting experiments in Cambridge.

#### Section 11-32 REPORTING REQUIREMENTS

- (a) On June 30 and December 31 of each year each research institution shall file a report with the Animal Commission that sets forth the type, number and source of animals used in the preceding six months.

- (b) On March 31, June 30, September 30 and December 31 of each year, each research institution shall file with the Animal Commission copies for the preceding quarter of the following:
- (1) minutes of all meetings of the Animal Care Committee required by Section 11-36,
  - (2) any reports relating to or affecting experiments which a research institution or an Animal Care Committee is required to submit to a federal or state agency pursuant to a federal or state statute or regulation or in connection with an approved funding request, and
  - (3) protocols of all painful experiments approved by the Animal Care Committee.

If any copies required under clauses (1), (2) or (3) contain a trade secret, a description that includes specific information about the nature and purpose of the material or process may be substituted for the trade secret. Said copies may also delete any confidential financial information entitled to protection under Section 11-39(a)(2).

#### Section 11-33 GUIDELINES FOR ANIMAL EXPERIMENTS

- (a) All experiments in the City of Cambridge shall be undertaken in conformity with the current Guide for the Care and Use of Animals of the National Institutes of Health and succeeding revised editions thereof, Animal Welfare Act (7 U.S.C. Sections 2131, *et seq*) and federal regulations pursuant to the act, Public Health Service Policy on Humane Care and Use of Laboratory Animals as amended from time to time, statutes and regulations of the Commonwealth of Massachusetts, and ordinances and regulations of the City of Cambridge.
- (b) All euthanasia must be performed by an overdose of barbiturates unless otherwise required by an experimental protocol approved by the Animal Care Committee.
- (c) All animals shall have sufficient space to move around and provision shall be made to provide for at least two hours a day of exercise.

- (d) All mammals belonging to non-domesticated species shall be housed in groups whose sizes are similar to the size of the social group in which the species normally lives in nature.
- (e) All primates shall be housed in a living environment which shall be sufficiently varied and stimulating to provide for their psychological needs.
- (f) Exemptions to Section 11-33(c) through (e) shall be made only if deemed necessary to provide adequate veterinary care to an individual animal by the attending veterinarian who shall be required to notify the Animal Care Committee and the Animal Commission of the justification for such an exemption or if said exemption is specifically required by a protocol approved by the Animal Care Committee provided that such approval shall be given only if the exemption is for an experiment which is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

Section 11-34 GUIDELINES FOR PAINFUL EXPERIMENTS

Each research institution shall provide continuous monitoring by a qualified veterinary technician of the pain and distress of each animal. Such individual shall alleviate pain or distress except to the extent that said pain or distress has been described in the protocol and an exemption has been made to this provision by the Animal Care Committee in conformity with Section 11-37.

Section 11-35 TRAINING OF PERSONNEL

Each person involved in the care or use of animals at a research institution shall successfully complete a training program approved by the Animal Commission that teaches the requirements set forth in Sections 11-33 and 11-34.

Section 11-36 ANIMAL CARE COMMITTEES

- (a) Each research institution shall have an Animal Care Committee which

shall be appointed by the City Manager. Said Committee shall ensure compliance with provisions of this Ordinance.

- (b) The Animal Care Committee shall be broad-based in its composition and shall include at least one member who is a biomedical scientist, one member who is a veterinarian, and one member who is nominated by an animal protection organization such as the Massachusetts Society for the Prevention of Cruelty to Animals, provided that no more than one-fourth of the members may be employees of any research institution or have a direct financial interest in animal experimentation or be close relatives of such individuals.
- (c) All members of the Animal Care Committee shall have access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the Animal Commission.
- (d) A description of all experiments conducted at the research institution shall be provided to the Animal Care Committee. Said description shall include the number and species of animals killed during or after each experiment and the cause of their death.
- (e) No painful experiment shall be performed without the prior written approval of the Animal Care Committee. Such approval shall be given only if non-animal methods are not available which would provide comparable information, and only if the anesthesia, analgesia, and tranquilizers used are adequate to alleviate pain or distress at all times except as provided by Section 11-37.
- (f) Each Animal Care Committee shall keep accurate minutes of its deliberations. Said minutes shall include information provided under subsections (c) and (d).

#### Section 11-37 COMMUNITY ETHICAL STANDARDS

No painful experiment in which anesthesia, analgesia, and tranquilizers used are not adequate to alleviate pain or distress at all times shall be conducted unless said experiment is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

The Draize test is specifically banned. The LD-50, LD-25, LD-75 or other similar test is specifically banned.

#### Section 11-38 INSPECTIONS AND INVESTIGATIONS

- (a) The Animal Commission shall:
  - (1) Conduct periodic unannounced site visits to research institutions to ensure compliance with this Ordinance, and
  - (2) Investigate alleged violations of this Ordinance if there is probable cause for such investigation.
- (b) Each research institution shall produce all documents relating to or affecting the treatment of animals which are requested by the Animal Commission in order to carry out its inspections and investigations.
- (c) Each research institution shall provide complete access to the Animal Commission in order for the Animal Commission to carry out its inspections and investigations.

#### Section 11-39 TRADE SECRETS

- (a) It shall be unlawful for any member of an Animal Care Committee to release any confidential information of the research institution including information that concerns or relates to:
  - (1) the trade secrets; or
  - (2) the identity, confidential statistical data, amount or source of income, profits, losses, or expenditures of the research institution.Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.
- (b) It shall be unlawful for any member of the Animal Care Committee to:
  - (1) use or attempt to use to his or her financial advantage; or

(2) reveal to any other person any information which is entitled to protection as confidential information under subsection (a).

(c) A violation of subsections (a) or (b) shall be punishable by:

(1) removal from such Committee; and

(2) a fine of not more than \$500 or, if the violation is willful, a fine of not more than \$2,000.

#### Section 11-40 VIOLATIONS

Any research institution that violates this Ordinance shall be punished by a fine of not less than one hundred dollars and not more than two hundred fifty dollars per violation per day. The Director of the Animal Commission may order closed any research institution that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected. The Director of the Animal Commission or any charitable corporation whose purposes include the protection of the welfare of animals may bring suit in the Superior Court to enjoin any violations of this Ordinance and to enforce its provisions and shall receive reasonable attorney's fees if it is a prevailing party.

#### Section 11-41 SEVERABILITY OF SECTIONS

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. Nothing in this ordinance shall be construed to prohibit anything specifically required by federal or state law.

*Journal  
For Dr. Agath*

*Commencement on 7/15 of 7/10/85  
p. 2 Mayor Villere*

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

### AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

*Be it ordained by City Council of the City of Cambridge*

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

#### ARTICLE IV ORDINANCE FOR THE CARE AND USE OF LABORATORY ANIMALS IN THE CITY OF CAMBRIDGE

##### Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution on a live animal.
- (c) A painful experiment is an experiment that involves significant pain or distress to the animal. This shall include but not be limited to such experiments as:
  - (1) Deliberate induction of behavioral stress, loss of sight, the Draize eye irritancy test, or similar debilitation to test its effect;
  - (2) Surgical procedures such as the invasion and exposure of body cavities, orthopedics, or dental work, and those that result in significant post-operative pain or distress;
  - (3) Induction of an anatomic or physiological deficit which will result in pain or distress;
  - (4) Application of noxious stimuli such as trauma or electric shock from which escape is impossible;

- (5) Prolonged periods of physical restraint;
  - (6) Deprivation studies such as those withholding food, water, sleep, or maternal contact for infants;
  - (7) Induction of aggressive, self-mutilating, or psychotic behavior;
  - (8) Toxicity studies, radiation sickness, burns, and stress research; and,
  - (9) Killing by inhumane means.
- (d) A research institution is any facility or facilities operated in the City of Cambridge, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which in connection with any of its activities investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.
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- (c) All animals shall have sufficient space to move around and provision shall be made to provide for at least two hours a day of exercise.

- (d) All mammals belonging to non-domesticated species shall be housed in groups whose sizes are similar to the size of the social group in which the species normally lives in nature.
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- (f) Exemptions to Section 11-33(c) through (e) shall be made only if deemed necessary to provide adequate veterinary care to an individual animal by the attending veterinarian who shall be required to notify the Animal Care Committee and the Animal Commission of the justification for such an exemption or if said exemption is specifically required by a protocol approved by the Animal Care Committee provided that such approval shall be given only if the exemption is for an experiment which is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

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*William  
For Dr. Azari*

*Commencement on 7-15 at 4/15/85  
p. 2 Mayor Villare*

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

### AN ORDINANCE

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- 4
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~~Vetter~~  
For Dr. Agard

Communications List of 4/10/85  
per Mayor Vetter

## City Of Cambridge

In the Year One Thousand, Nineteen Hundred and Eighty-Nine

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#### ARTICLE IV

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- (b) On March 31, June 30, September 30 and December 31 of each year, each research institution shall file with the Animal Commission copies for the preceding quarter of the following:
- (1) minutes of all meetings of the Animal Care Committee required by Section 11-36,
  - (2) any reports relating to or affecting experiments which a research institution or an Animal Care Committee is required to submit to a federal or state agency pursuant to a federal or state statute or regulation or in connection with an approved funding request, and
  - (3) protocols of all painful experiments approved by the Animal Care Committee.

If any copies required under clauses (1), (2) or (3) contain a trade secret, a description that includes specific information about the nature and purpose of the material or process may be substituted for the trade secret. Said copies may also delete any confidential financial information entitled to protection under Section 11-39(a)(2).

#### Section 11-33 GUIDELINES FOR ANIMAL EXPERIMENTS

- (a) All experiments in the City of Cambridge shall be undertaken in conformity with the current Guide for the Care and Use of Animals of the National Institutes of Health and succeeding revised editions thereof, Animal Welfare Act (7 U.S.C. Sections 2131, *et seq*) and federal regulations pursuant to the act, Public Health Service Policy on Humane Care and Use of Laboratory Animals as amended from time to time, statutes and regulations of the Commonwealth of Massachusetts, and ordinances and regulations of the City of Cambridge.
- (b) All euthanasia must be performed by an overdose of barbiturates unless otherwise required by an experimental protocol approved by the Animal Care Committee.
- (c) All animals shall have sufficient space to move around and provision shall be made to provide for at least two hours a day of exercise.

- (d) All mammals belonging to non-domesticated species shall be housed in groups whose sizes are similar to the size of the social group in which the species normally lives in nature.
- (e) All primates shall be housed in a living environment which shall be sufficiently varied and stimulating to provide for their psychological needs.
- (f) Exemptions to Section 11-33(c) through (e) shall be made only if deemed necessary to provide adequate veterinary care to an individual animal by the attending veterinarian who shall be required to notify the Animal Care Committee and the Animal Commission of the justification for such an exemption or if said exemption is specifically required by a protocol approved by the Animal Care Committee provided that such approval shall be given only if the exemption is for an experiment which is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

#### Section 11-34 GUIDELINES FOR PAINFUL EXPERIMENTS

Each research institution shall provide continuous monitoring by a qualified veterinary technician of the pain and distress of each animal. Such individual shall alleviate pain or distress except to the extent that said pain or distress has been described in the protocol and an exemption has been made to this provision by the Animal Care Committee in conformity with Section 11-37.

#### Section 11-35 TRAINING OF PERSONNEL

Each person involved in the care or use of animals at a research institution shall successfully complete a training program approved by the Animal Commission that teaches the requirements set forth in Sections 11-33 and 11-34.

#### Section 11-36 ANIMAL CARE COMMITTEES

- (a) Each research institution shall have an Animal Care Committee which

shall be appointed by the City Manager. Said Committee shall ensure compliance with provisions of this Ordinance.

- (b) The Animal Care Committee shall be broad-based in its composition and shall include at least one member who is a biomedical scientist, one member who is a veterinarian, and one member who is nominated by an animal protection organization such as the Massachusetts Society for the Prevention of Cruelty to Animals, provided that no more than one-fourth of the members may be employees of any research institution or have a direct financial interest in animal experimentation or be close relatives of such individuals.
- (c) All members of the Animal Care Committee shall have access to all areas in which animals are housed or used in experiments and to protocols of all experiments, subject only to such limitations as have been given prior approval in writing by the Animal Commission.
- (d) A description of all experiments conducted at the research institution shall be provided to the Animal Care Committee. Said description shall include the number and species of animals killed during or after each experiment and the cause of their death.
- (e) No painful experiment shall be performed without the prior written approval of the Animal Care Committee. Such approval shall be given only if non-animal methods are not available which would provide comparable information, and only if the anesthesia, analgesia, and tranquilizers used are adequate to alleviate pain or distress at all times except as provided by Section 11-37.
- (f) Each Animal Care Committee shall keep accurate minutes of its deliberations. Said minutes shall include information provided under subsections (c) and (d).

#### Section 11-37 COMMUNITY ETHICAL STANDARDS

No painful experiment in which anesthesia, analgesia, and tranquilizers used are not adequate to alleviate pain or distress at all times shall be conducted unless said experiment is expected to yield significant information about a serious disease or illness afflicting humans or animals such as cancer, heart disease, arthritis, or diabetes, and if no less painful alternatives are available.

The Draize test is specifically banned. The LD-50, LD-25, LD-75 or other similar test is specifically banned.

#### Section 11-38 INSPECTIONS AND INVESTIGATIONS

- (a) The Animal Commission shall:
  - (1) Conduct periodic unannounced site visits to research institutions to ensure compliance with this Ordinance, and
  - (2) Investigate alleged violations of this Ordinance if there is probable cause for such investigation.
- (b) Each research institution shall produce all documents relating to or affecting the treatment of animals which are requested by the Animal Commission in order to carry out its inspections and investigations.
- (c) Each research institution shall provide complete access to the Animal Commission in order for the Animal Commission to carry out its inspections and investigations.

#### Section 11-39 TRADE SECRETS

- (a) It shall be unlawful for any member of an Animal Care Committee to release any confidential information of the research institution including information that concerns or relates to:
  - (1) the trade secrets; or,
  - (2) the identity, confidential statistical data, amount or source of income, profits, losses, or expenditures of the research institution.

Notwithstanding clauses (1) or (2), no information relating to or affecting the treatment of animals by the research institution including information about any violations of the provisions of this Ordinance shall be deemed to be confidential information of the research institution.
- (b) It shall be unlawful for any member of the Animal Care Committee to:
  - (1) use or attempt to use to his or her financial advantage; or

- (2) reveal to any other person any information which is entitled to protection as confidential information under subsection (a).
- (c) A violation of subsections (a) or (b) shall be punishable by:
- (1) removal from such Committee; and
  - (2) a fine of not more than \$500 or, if the violation is willful, a fine of not more than \$2,000.

#### Section 11-40 VIOLATIONS

Any research institution that violates this Ordinance shall be punished by a fine of not less than one hundred dollars and not more than two hundred fifty dollars per violation per day. The Director of the Animal Commission may order closed any research institution that engages in repeated violations of this Ordinance and seize and board or euthanize at the expense of the research institution the animals affected. The Director of the Animal Commission or any charitable corporation whose purposes include the protection of the welfare of animals may bring suit in the Superior Court to enjoin any violations of this Ordinance and to enforce its provisions and shall receive reasonable attorney's fees if it is a prevailing party.

#### Section 11-41 SEVERABILITY OF SECTIONS

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof. Nothing in this ordinance shall be construed to prohibit anything specifically required by federal or state law.

17.

O-104

Petition from Mayor Alfred E. Vellucci, on behalf of Dr. Gul Aga, to amend the General Ordinances in Chapter Eleven entitled "Health, Hospitals and Housing" by inserting an Article IV entitled "Ordinance For the Care and Use of Laboratory Animals in the City of Cambridge".

6/24/89 Placed on File

In City Council,

April 10, 1989

copy sent to Congressman Walsh,  
Ordinance Committee Chair  
4/21/89 mlv