

Calendar #4

City of Cambridge

MASSACHUSETTS

In City Council *January 7* 1976

Ordinance By Mayor Vellucci RE 1000 FINE - PAUSING DNA EXPERIMENT

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clem		✓		
Mr. Clinton	✓			
Mr. Danehy			✓	
Mr. Duehay		✓		
Mrs. Graham			✓	
Mr. Russell		✓		
Mr. Sullivan	✓			
Mayor Vellucci	✓			

3 4 2

Cal #4 Failed at passing to 2nd Reading



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RUSSELL B. HIGLEY
ACTING CITY SOLICITOR

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
CHARLOTTE C. BURRAGE
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

January 13, 1977.

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Sullivan:

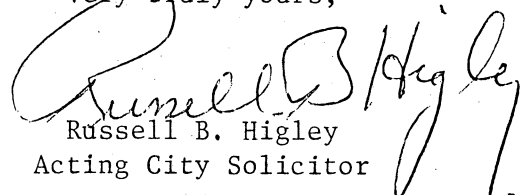
You have asked for my opinion relative to the advantages and disadvantages of regulating recombinant DNA experimentation through either a Health Regulation or a City Ordinance.

It is my opinion that the City Council should pass an ordinance for the use of recombinant DNA molecule technology in the City of Cambridge. If the Council attempted to regulate recombinant DNA molecule technology by a Health Regulation and said regulation was challenged in a Court of Law, the burden would be placed on the City to prove that a health hazard existed. As you are aware, the leading experts in the field disagree as to whether or not this type of experimentation should proceed. This conflict of opinion would make it extremely difficult for the City of Cambridge to prove that an actual health hazard exists.

I, therefore, recommend that the City Council regulate the said experimentation by use of an ordinance. Although such an ordinance would be subject to challenge on constitutional grounds, it is my opinion that said ordinance would present fewer problems with respect to proving its validity than would a Health Department regulation of similar import.

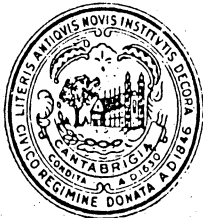
If I may be of further assistance in this matter, please let me know.

Very truly yours,


Russell B. Higley
Acting City Solicitor

RBH:jl

cc: City Council Members



Introduced by Mayor Alfred E. Vellucci

City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Seven

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 and Housing" is hereby further amended by adding at the end thereof a new section 11-7 entitled: "Genetic Experiments Prohibited" which reads as follows:-

Chapter 11-7 Genetic Experiments Prohibited.

No person shall conduct Genetic Experiments involving recombinant DNA molecules at the P3 and P4 containment levels in any laboratory, building or other structure within the City of Cambridge.

Any person who violates this provision of this section shall be liable for a fine of ~~\$1,000.00~~ 500.00 per day for every day that the violation continues.

O-1

Proposed amendment to General Ordinances introduced by Mayor Vellucci in Chapter 11 entitled "Health and Housing" by adding a new section 11-7 entitled "Genetic Experiments Prohibited".

In City Council,
January 5, 1977

*1/17/77
Failed to pass to 2nd
Reading on Roll Call
3-4-2*