

1-1-1922

Prohibiting Vivisection

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Prohibiting Vivisection California Initiative 1922-p-2 (1922).
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File: 1922 - p - 1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The Attorney-General has summarized the proposed measure as follows:

PROHIBITING VIVISECTION. Initiative Act.

Prohibits vivisection or torture of human beings, animals, or other living creatures, for experimental, physiological or pathological investigations, or other purposes; authorizes Justice of the Peace or committing magistrate to issue warrant for entry into places where such acts have been, or are about to be, performed, for arrest of persons and seizure of instruments engaged therein; excepts certain acts relating to animals and fowls and surgical operations upon, or medical aid to, human beings, animals and other living creatures, to relieve or cure actual injury, deformity or disease; prescribes penalties and repeals conflicting acts.

STATE OF CALIFORNIA,

County of **SAN FRANCISCO**

TO THE HONORABLE FRANK C. JORDAN,
SECRETARY OF STATE OF THE
STATE OF CALIFORNIA:

We, the undersigned, registered, qualified electors of the State of California, residents of.....

SAN FRANCISCO.....County, present to the Secretary of State this petition, and request that a proposed measure, as hereinafter set forth, be submitted to the people of the State of California, for their approval or rejection, at the next ensuing general election, or as provided by law. The proposed measure is as follows:

An act prohibiting the vivisection or torture of human beings or animals; providing penalties for violation of the provisions hereof, and repealing all acts or parts of acts inconsistent or in conflict herewith.

THE PEOPLE OF THE STATE OF CALIFORNIA
DO ENACT AS FOLLOWS:

Section 1. Any person who vivisects or tortures, or aids or abets any person in the vivisection or torture of any human being, animal, or other living creature, for experimental, physiological or pathological investigation, or for any other purpose, either with or without the use of anaesthetics, except as hereinafter provided for, in or at any university, college, public or private school, institute, hospital, sanitarium, meeting place of any society, medical or surgical laboratory, or in or at any other place in the State of California, is guilty of a violation of this Act.

Section 2. A Justice of the Peace, or other committing magistrate, on information on oath, that there is reasonable ground to believe that an experiment or demonstration or operation in contravention of this Act has been, is being, or is intended to be performed in any place, shall issue his warrant authorizing any police officer, sheriff, constable, or humane officer, either alone or in company with others, to enter with any necessary assistance and force, and to take the names and addresses of the persons found therein, and to search for, seize and take away all subjects, materials and instruments used

in such unlawful ways as are prohibited by this Act, and to make arrest of any person or persons conducting or participating in any such unlawful practices. The police officer, sheriff, constable or humane officer so authorized, if he shall find in such a place a living animal or creature inferior to mankind, upon which a vivisection shall have been performed, may cause some competent person to kill it in as painless a manner as possible. Any person who shall refuse admission on demand to an officer so authorized and to the persons accompanying him, or who shall obstruct such officer or his assistants in the discharge of duty pursuant to this Act, or who shall refuse on demand to disclose his name and address, or who shall give a false name or address, shall be guilty of a violation of this Act.

Section 3. No part of this Act shall be construed:

(a) As prohibiting the branding of animals, the dehorning of cattle or goats, or the sterilization, gelding, spaying or castration of animals, or the caponizing of fowls: or

(b) As prohibiting the dissection of the bodies of the dead, whether the mortal remains of human beings or otherwise: or

(c) As prohibiting the performance of surgical operations upon, or the rendition of medical aid to any human being, animal or other living creature, for the relief or curing of actual injury, deformity, sickness or disease; but the intentional injury of, or the causing of any deformity, sickness or disease in or to any living creature, for experimental purposes, or for the purpose, either express or implied, of affording a pretext for subsequent operation thereon, or other administration thereon, or on any other pretext, shall be punished as a violation of this Act.

Section 4. Any violation of any provision of this Act shall be punishable, if it be the first offense of the person accused, by a fine of not less than Fifty (50) Dollars nor more than Three Hundred (300) Dollars, or by imprisonment for not less than Thirty (30) days nor more than Ninety (90) days, or by both such fine and imprisonment; but, if it be after a prior conviction of any offense punishable by virtue of this Act, each and every subsequent offense shall be punishable by a fine of not less than One Hundred (100) Dollars nor more than Five Hundred (500) Dollars, or by imprisonment for not less than Sixty (60) days nor more than Six (6) months, or by both such fine and imprisonment, and in addition thereto the offender shall be debarred forever thereafter from the practice of medicine or surgery in this State.

Section 5. The final clause of Section 599-c of the Penal Code—(forbidding interference with experiments or investigations performed under the authority of the faculty of a medical college or university of this State)—and all other acts or parts of acts in conflict with the provisions of this Act, are hereby repealed.