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*Herman S. ...*56TH CONGRESS.
1ST SESSION.

S. 3424.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 1900.

Mr. GALLINOZZI introduced the following bill, which was read twice and referred to the Committee on the District of Columbia.

A BILL

For the Regulation of Scientific Experiments upon Human Beings in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That no physician, surgeon, pathologist, student of medicine or of science, or any other person shall make or perform upon the body of any human being, in any hospital, asylum, retreat, or infirmary established for the treatment of the sick, or in any other place in the District of Columbia, any scientific experiment involving pain, distress, or risk to life and health, whether by administration of poisonous drugs for the purpose of ascertaining their toxicity, by inoculating the germs of disease, by grafting cancerous tumors into healthy tissues, or by performance of any surgical operation for any other object than the amelioration of the patient, except subject to the restrictions and regulations hereinafter prescribed. Any person performing, advising, or assisting in the performance of any such experiment upon any new-born babe, pregnant woman, lunatic, idiot, or patient, in any public or private

immediate inquiry into all the circumstances of the alleged crime, and, if corroborated by further evidence, shall be accepted as testimony in regard to the offense.

Sec. 4. That an experiment performed upon a human being with a view to the advancement by new discovery of physiological or pathological knowledge shall, if it involves pain or distress, be permitted only under the following restrictions:

- (a) The experiment must be performed only by a duly qualified physician or surgeon holding such special license from the Commissioners of the District of Columbia as in this Act mentioned; and
- (b) The subject of such experiment must be not less than twenty years of age and in full and complete possession of all his or her reasoning faculties. No scientific experiment of any kind liable to cause pain or distress shall be permissible upon any new-born babe, infant, child, or youth; nor upon any woman during pregnancy nor within a year after her confinement, nor upon any aged, infirm, epileptic, insane, or feeble-minded person under any circumstances whatever.

(c) The physician or surgeon proposing to make any such experiment or series of experiments shall, at least one week in advance, apply to the Commissioners of the District of Columbia for license permitting such experiment or experiments to be performed. Such application shall fully state the objects and methods of the proposed experiments, and shall be accompanied with the written permission of the subject of the proposed experimentation, agreeing thereto, signed in presence of two witnesses and duly acknowledged before a public notary under seal.

hospital, in any infants' home, hospital, asylum, or private home, or upon any other person whatsoever, shall be deemed guilty of the crime of human vivisection, and upon conviction shall be liable to a fine of not less than one thousand dollars or imprisonment for not less than one year, or both. If any such experiment shall be followed within forty-eight hours by the death of the person thus operated upon, or if it shall appear that death was accelerated in any way by such experiment, the performance of any such experiment shall be deemed manslaughter or murder, in the circumstances of the case shall determine; and all persons taking part therein shall be liable to the penalties prescribed for such crime.

Sec. 2. That any physician or surgeon duly qualified to practice medicine in the District of Columbia, or any medical student, who shall perform any such scientific experiment, or who by his advice or presence shall in any way assist, aid, or abet the performance of any such experiment, shall, upon conviction, be forever disqualified from the practice of medicine in the District of Columbia. Any person engaged in any capacity in the service of the United States Government or in any of its departments who shall perform, or by his presence, suggestion, or advice, aid or abet the performance of any such experiment upon a human being, shall, upon conviction, in addition to other penalties herein provided, be forthwith dismissed from Government service and be forever disqualified therefor.

Sec. 3. That any description or account of any such experiment upon a human being, printed or published in any scientific or medical periodical or book, or in any report (newspaper, shall be deemed evidence demanding

NOTES.

- 1. This Bill has but one object, the protection of those who cannot protect themselves.
- 2. *No reputable physician or surgeon is affected by it. It will not interfere in the slightest degree with any method of treatment designed for the benefit of the patient. Read carefully Section 5.*

4. It does not even prevent scientific experiments upon human beings (when these are not dangerous to life). It the full and free consent of the subject shall be first obtained and attested by oath before a proper authority. But it forbids absolutely all experiments productive of pain or distress, or dangerous to life and health, upon children of any age, or the inmates of asylums, hospitals, or public institutions; in short,—upon those who from weakness or ignorance cannot protect themselves, and whose helpless condition appeals to the common instinct of humanity everywhere.

5. The proof of necessity for restraining legislation in this matter may be had by sending ten cents in postage stamps for literature on human vivisection as practised in America and Europe.

Address

SPECIAL COMMITTEE,

AMERICAN HUMANE ASSOCIATION,

Post Office Box 215,

PROVIDENCE, R. I.

Upon receipt of such application, the Commissioners of the District of Columbia shall cause investigation to be made; and if it shall appear that the experiments involve no risk to human life; that the person offering himself or herself for experimentation is of requisite age, in full possession of all his or her reasoning faculties, and fully aware of the nature of the proposed experiment, and desires that it be made, then the Commissioners may issue a license authorizing such scientific experiment or series of experiments as desired; but

(e) No such experiment shall at any time be continued against the expressed will of the person experimented upon.

(f) The Commissioners of the District of Columbia shall require a report to be made to them of the methods employed and the results attained of each experiment or series of experiments thus made. Such report may not be made public until after six months from the beginning of the experimentation, in order to permit the investigator to present the results of his work in his own way. But in the event of any untoward circumstance attending any such experimentation the full details shall immediately be reported and printed.

Sec. 5. That nothing in this Act contained shall be construed to prohibit or interfere with any properly conducted method of medical treatment or surgical operation, whether experimental or otherwise, having for its demonstrable end and object the amelioration of suffering or recovery of the patient thus treated or operated upon.

Sec. 6. That nothing in this Act contained shall be construed to prohibit or interfere with any experiments whatsoever made by medical students, physicians, surgeons, physiologists, or pathologists upon one another.