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**By: Delegate Heller**

Introduced and read first time: January 29, 1997

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Animal Dissection - Student's Right of Refusal**

3 FOR the purpose of establishing a student's right to refuse to participate in certain  
4 activities involving harmful or destructive use of animals; requiring certain schools  
5 to notify students and their parents or guardians of this right within a certain time  
6 period; providing alternative activities for students who exercise certain rights;  
7 prohibiting discrimination or retaliation against students who exercise certain  
8 rights; and defining certain terms.

9 BY repealing and reenacting, without amendments,

10 Article - Education  
11 Section 2-206(a)  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume)

14 BY adding to

15 Article - Education  
16 Section 2-206(l) and 7-112  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Education**

22 2-206.

23 (a) In this section, "noncollegiate educational institution" means a school or other  
24 institution that offers an educational program but is not an institution of postsecondary  
25 education, as defined in § 10-101 of this article.

26 (L) EACH PUBLIC AND PRIVATE NONCOLLEGIATE EDUCATIONAL  
27 INSTITUTION SHALL COMPLY WITH THE PROVISIONS OF § 7-112 OF THIS ARTICLE.

2

1 7-112.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "ALTERNATIVE EDUCATION PROJECT" INCLUDES:

5 (I) THE USE OF VIDEO TAPES, MODELS, FILMS, BOOKS, AND  
6 COMPUTERS THAT WOULD PROVIDE AN ALTERNATE AVENUE FOR OBTAINING THE  
7 KNOWLEDGE, INFORMATION, OR EXPERIENCE REQUIRED BY THE COURSE OF  
8 STUDY IN QUESTION; OR

9 (II) AN ALTERNATIVE TEST.

10 (3) (I) "ANIMAL" MEANS ANY LIVING ORGANISM OF THE KINGDOM  
11 ANIMALIA IN THE PHYLUM CHORDATA, ORGANISMS THAT HAVE A NOTOCHORD.

12 (II) "ANIMAL" INCLUDES AN ANIMAL'S CADAVER OR ANY  
13 SEVERED PARTS OF AN ANIMAL'S CADAVER.

14 (4) "NONCOLLEGIATE EDUCATIONAL INSTITUTION" HAS THE MEANING  
15 PROVIDED IN § 2-206 OF THIS ARTICLE.

16 (B) A STUDENT AT A NONCOLLEGIATE EDUCATIONAL INSTITUTION MAY  
17 REFUSE TO DISSECT, VIVISECT, INCUBATE, CAPTURE, OR OTHERWISE HARM OR  
18 DESTROY ANIMALS AS PART OF A COURSE OF INSTRUCTION, EXCEPT FOR AN  
19 HONORS OR ADVANCED PLACEMENT BIOLOGY COURSE, UNLESS BOARD OF  
20 EDUCATION POLICY PROVIDES AN ALTERNATIVE PROGRAM IN THE HONORS OR  
21 ADVANCED PLACEMENT BIOLOGY COURSE.

22 (C) (1) EACH NONCOLLEGIATE EDUCATIONAL INSTITUTION SHALL:

23 (I) NOTIFY INCOMING STUDENTS AND THEIR PARENTS OR  
24 GUARDIANS OF THE RIGHT TO DECLINE TO PARTICIPATE IN AN EDUCATION  
25 PROJECT INVOLVING HARMFUL OR DESTRUCTIVE USE OF ANIMALS; AND

26 (II) AUTHORIZE PARENTS OR GUARDIANS TO ASSERT THE RIGHT  
27 OF THEIR CHILDREN TO REFUSE TO PARTICIPATE IN THOSE PROJECTS.

28 (2) NOTICE SHALL BE GIVEN NOT LESS THAN 3 WEEKS PRIOR TO THE  
29 SCHEDULED COURSE EXERCISE THAT INVOLVES THE USE OF ANIMALS.

30 (D) (1) A STUDENT WHO CHOOSES TO REFRAIN FROM PARTICIPATION IN  
31 OR OBSERVATION OF A PORTION OF A COURSE OF INSTRUCTION IN ACCORDANCE  
32 WITH THIS SECTION SHALL BE OFFERED AN ALTERNATIVE EDUCATION PROJECT  
33 FOR THE PURPOSE OF PROVIDING THE STUDENT AN AVENUE FOR OBTAINING THE  
34 FACTUAL KNOWLEDGE, INFORMATION, OR EXPERIENCE REQUIRED BY THE  
35 COURSE OF STUDY.

36 (2) IF TESTS REQUIRE HARMFUL OR DESTRUCTIVE USE OF ANIMALS,  
37 STUDENTS SHALL BE OFFERED ALTERNATIVE TESTS.

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1                   (3) A STUDENT HAS THE RIGHT TO REFUSE ANY ALTERNATIVE  
2 EDUCATION PROJECT OR TEST THAT MAY INVOLVE OR NECESSITATE ANY  
3 HARMFUL USE OF AN ANIMAL OR ANIMAL PARTS.

4                   (E) (1) A STUDENT MAY NOT BE DISCRIMINATED AGAINST BASED UPON THE  
5 STUDENT'S DECISION TO EXERCISE THE RIGHT AFFORDED THAT STUDENT UNDER  
6 THIS SECTION.

7                   (2) RETALIATION AGAINST A STUDENT FOR CHOOSING AN  
8 ALTERNATIVE EDUCATION PROJECT OR TEST IS STRICTLY PROHIBITED.

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1997.