

CHAPTER 735**RESEARCH INSTITUTIONS****§3991. Regulation of research institutions****(REPEALED)****SECTION HISTORY**

PL 1987, c. 383, §3 (NEW). PL 1993, c. 468, §25 (AMD). PL 1999, c. 547, §B24 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2003, c. 405, §22 (AMD). PL 2003, c. 452, §B22 (RP). PL 2003, c. 452, §X2 (AFF).

§3991-A. Regulation of research institutions

1. License necessary. A research or teaching institution of higher education may not employ live animals in scientific investigation, experiment or instruction or for the testing of drugs or medicines without first having been issued a license under this section by the commissioner.

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Application. A research or teaching institution desiring to obtain a license shall make application to the commissioner. On receipt of the application, the commissioner shall investigate as necessary to determine whether the public interest will be served by the issuance of the license. The commissioner may issue the license as long as the research or teaching institution, by reason of its standards, facilities, practices or activities, is a fit and proper institution to receive the license and that its issuance is in the public interest. The standards for licensure are those contained in United States Code, Title 7, Section 2143 and any federal regulations issued pursuant to that law. This chapter may not be construed to be more restrictive than federal law. In the case of conflict between state law and federal law or a mandatory rule, regulation or order of the Federal Government or its agencies, the federal law, rule, regulation or order governs.

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Fees; license renewal. Before issuance of a license, each research or teaching institution licensed under this chapter shall pay to the commissioner a license fee of \$200. A license expires on June 30th next following the date of issue. The commissioner shall annually renew each license upon the application of the licensee, unless, after notice and hearing as provided in this chapter, the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the renewal is not in the public interest. The commissioner, after notice and hearing as provided in this chapter, may modify, fail to renew, suspend or revoke any license if the commissioner finds that, by reason of the standards, facilities, practices or activities of the licensee, the continuation of the license is not in the public interest.

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Noncompliance. If, in the opinion of the commissioner, there is or may be noncompliance with or a violation of this chapter or of a rule adopted by the commissioner that is of sufficient gravity to warrant further action, the commissioner may request an informal conference with the licensee. The commissioner shall provide the licensee with adequate notice of the conference and the issues to be discussed.

If the commissioner finds that the factual basis of the alleged noncompliance with or violation of this chapter is true and may warrant further action, the commissioner:

A. With the consent of the licensee, may enter into a consent agreement that fixes the period and terms of probation best adapted to protect the health and welfare of animals and to rehabilitate or educate the licensee; [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. In consideration for acceptance of a voluntary surrender of the license, may negotiate stipulations, in a consent decree to be signed by the commissioner, the licensee and the Office of the Attorney General, that ensure protection of the health and welfare of animals and that serve to rehabilitate or educate the licensee; [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. If the commissioner concludes that modification or nonrenewal of the license may be in order, shall hold an adjudicatory hearing in accordance with Title 5, chapter 375, subchapter 4; or [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

D. If the commissioner concludes that suspension or revocation of the license is in order, shall file a complaint in the District Court in accordance with Title 4, chapter 5. [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Grounds for discipline. Grounds for an action to modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter are:

A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued; [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A violation of this chapter or a rule adopted by the commissioner; and [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

C. Conviction of a crime involving cruelty to animals. [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

6. Violation; penalty. A person may not knowingly violate this chapter or the rules issued pursuant to this chapter. The following penalties apply.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$100 may be adjudged. [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not more than \$250 may be adjudged. [PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

7. Rules. The commissioner may adopt rules that are necessary to carry out the purposes of this chapter.

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

8. Inspection. In connection with the granting, continuance or renewal of a license and in connection with an investigation of alleged cruelty or alleged violation of this chapter or the rules issued pursuant to this chapter, the commissioner, at least annually, may visit and inspect the research and teaching institutions or animal research and care facilities of any licensee or of any research or teaching institution that has applied for a license.

[PL 2003, c. 452, Pt. B, §23 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 2003, c. 452, §B23 (NEW). PL 2003, c. 452, §X2 (AFF).

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