

2021 SB 585 Stern 1st hrg cancelled, author request	2019 ab 1230 QUIRK/Chieu No motion/second following hearing. Held w/o recommendation	2018 sb 1441 STERN/Wilk Failed, Senate Public Safety
<p>SECTION 1.</p> <p><i>Section 31755 is added to the Food and Agricultural Code, to read:</i></p> <p>31755.</p> <p>(a) For purposes of this section, the following definitions apply:</p> <p>(1) "Cat" means an animal of the taxonomic family felidae, except an animal that is a member of an exotic or native wild cat species as defined in Section 597.6 of the Penal Code.</p> <p>(2) "Declawing procedure" means an onychectomy, partial or complete phalangeectomy, partial digital amputation, tendonectomy, or other procedure to alter a cat's toes, claws, or paws to prevent the normal functioning of the cat's toes, claws, or paws. "Declawing procedure" does not include the trimming of nonviable claw husk or placing nonpermanent nail caps.</p> <p>(3) "Licensed veterinarian" means a person licensed as a veterinarian by the State of California.</p> <p>(4) "Onychectomy" means a procedure in which a portion of the paw of a cat is amputated to remove or disable a claw,</p>	<p>SEC. 2.</p> <p>Section 4832 is added to the Business and Professions Code, to read:</p> <p>4832.</p> <p>(a) Notwithstanding any other law, a person shall not perform a declawing on any cat or other animal unless both of the following conditions are satisfied:</p> <p>(1) The person is licensed as a veterinarian pursuant to this chapter.</p> <p>(2) The veterinarian is performing the declawing for a therapeutic purpose.</p> <p>(b) Whenever a veterinarian determines that declawing is necessary for a therapeutic purpose, the veterinarian shall prepare and file a written statement with the board setting forth the purpose for performing the procedure and providing the name and address of the owner or keeper of the animal. The veterinarian shall also provide a copy of that statement to the owner of the animal. A record the therapeutic purpose in the animal's medical record.</p> <p>(c) A veterinarian who fails to comply with this subdivision within 30 days of the procedure section shall be subject to discipline by the board, which shall make a determination as to whether or not to revoke the veterinarian's license.</p> <p>(e)</p> <p>(d) For purposes of this section:</p> <p>(1) "Declawing" means any of the following:</p> <p>(A) An onychectomy, dactylectomy, phalangeectomy, partial digital amputation, or any other surgical procedure in which a portion of an animal's paw is amputated to remove the animal's claw.</p> <p>(B) A tendonectomy, or surgical procedure in which the tendons of an animal's limbs, paws, or</p>	<p>SECTION 1.</p> <p><i>Section 597.6 of the Penal Code is amended to read:</i></p> <p>597.6.</p> <p>(a) (1) No A person may shall not perform, or otherwise procure or arrange for the performance of, surgical claw removal, declawing, onychectomy, or tendonectomy on any cat that is a member of an exotic or native wild cat species, and shall not otherwise alter such cat's toes, claws, or paws to prevent the normal function of the cat's toes, claws, or paws.</p> <p>(2) This subdivision does not apply to a procedure performed solely for a therapeutic purpose.</p> <p>(b) Any</p> <p>(2) A person who violates this section subdivision is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine of ten thousand dollars (\$10,000), or by both that imprisonment and fine.</p> <p>(b) (1) A person shall not perform, or otherwise procure or arrange for the performance of, surgical claw removal, declawing, onychectomy, or tendonectomy on</p>

including, without limitation, procedures commonly referred to as declawing.

(5) "Partial digital amputation" means a procedure for the excision of some or all of one or more of the phalanges of the paw of a cat.

(6) "Phalangectomy" means a procedure for the excision of one or more of the phalanges of the paw of a cat.

(7) "Tendonectomy" means a procedure in which the tendons to the limbs, paws, or toes of a cat are cut or modified so that the cat's claws cannot function normally.

(8) "Therapeutic purpose" means for the purpose of addressing an existing or recurring infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat's health and only when addressing that infection, disease, injury, or abnormal condition is determined by a licensed veterinarian to be a medical necessity. "Therapeutic purpose" does not include cosmetic or aesthetic purposes or the purpose of making a cat more convenient to keep or handle.

(b) (1) Except as specified in paragraph (2), a person shall not remove or disable a cat's claws by performing a declawing procedure.

(2) This subdivision does not apply to a phalangectomy performed solely for a therapeutic purpose.

toes are cut or modified so that the claws cannot be extended.

(C) Any other procedure that prevents the normal functioning of an animal's claws.

(2) "Therapeutic purpose" means for the purpose of necessity to address a physical medical condition of the animal such as an existing or recurring illness, infection, disease, injury, or abnormal condition in the animal's claw that compromises the animal's health. "Therapeutic purpose" does not mean cosmetic or aesthetic reasons or reasons of convenience in keeping or handling the animal.

Section 1 had findings:

SECTION 1.

(a) The Legislature finds and declares as follows: (1) Declawing (onychectomy) and tendonectomy are veterinary surgical procedures that have irreversible negative effects on the animals that undergo these procedures.

(2) Declawing has been associated with unintended behavioral consequences, including aggression and biting, according to studies published in peer-reviewed scientific journals, which also found that the "use of optimal surgical technique does not eliminate the risk of adverse behavior subsequent to onychectomy."

(3) The American Veterinary Medical Association states that tendonectomy is not recommended to prevent an animal from using its claws destructively.

(4) Declawing does not save the lives of animals nor guarantee them homes. The American Association of Feline Practitioners states, "There is no current peer-reviewed data definitively proving that cats with destructive behavior are more likely to be euthanized, abandoned or relinquished. The decision of whether or not to

any cat that is a member of a domestic cat species, and shall not otherwise alter that cat's toes, claws, or paws to prevent the normal function of the cat's toes, claws, or paws.

(2) A person who violates this subdivision is guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) for a first offense, and is guilty of a misdemeanor for a second or subsequent violation.

(c) This section does not apply to a procedure performed solely for a therapeutic purpose.

(d) This section does not prohibit the enforcement of a local ordinance that provides a more severe punishment for acts prohibited under this section.

(e)

(e) For purposes of this section, the following terms have the following meanings:

(1) "Declawing" and "onychectomy" mean any surgical procedure in which a portion of the animal's paw is amputated in order to remove the animal's claws.

(2) "Tendonectomy" means a procedure in which the tendons to an animal's limbs, paws, or toes are cut or modified so that the claws cannot be extended.

(3) "Domestic cat species" means *Felis Silvestris Catus*, *Felis Catus*, or *Felis Domesticus*, or hybrids of those species and wild cats that are greater than three

(c) (1) If a licensed veterinarian determines that it is necessary to perform a phalangeectomy for a therapeutic purpose, the licensed veterinarian, on or before 10 business days after performing the phalangeectomy, shall file a written statement, including the corresponding independent laboratory pathology report confirming the pathology, with the Veterinary Medical Board.

(2) The written statement shall include the purpose for performing the phalangeectomy, identifying information for the cat, including its age, gender, markings, and microchip number, if applicable, a photo of the cat's face, and the name, current address, and current phone number of the owner or keeper of the cat.

(3) The licensed veterinarian shall provide a copy of the written statement to the owner or keeper of the cat.

(d) (1) A violation of subdivision (b) is punishable by the following:

(A) For the first violation, a civil penalty of not more than one thousand dollars (\$1,000).

(B) For the second violation, a civil penalty of at least one thousand dollars (\$1,000), but not more than one thousand five hundred dollars (\$1,500).

declaw should not be impacted by these considerations."

(5) The Centers for Disease Control and Prevention, the National Institutes of Health, and other human health authorities do not advise the declawing of cats owned by persons who have medical conditions that impair their immune systems.

(6) Safe and effective methods for preventing animals from using their claws destructively do exist.

(7) Declawing is illegal or considered unethical by the veterinary profession in much of the ~~west~~ rest of the world. Declawing is prohibited in the California cities of Berkeley, Beverly Hills, Burbank, Culver City, Los Angeles, San Francisco, Santa Monica, and West Hollywood. Declawing is also prohibited by law in Denver, Colorado, and the Canadian Province of Nova Scotia. The veterinary associations in several Canadian provinces, including British Columbia and Nova Scotia, prohibit veterinarians practicing in those provinces from performing declawing or tendonectomy procedures.

(b) It is the intent of the Legislature to prohibit a person from performing nontherapeutic declawing or related procedures that do not treat a physical medical condition affecting the animal.

generations removed from an exotic or native cat.

(3)

(4) "Exotic or native wild cat species" include all members of the taxonomic family Felidae, except ~~domestic cats (Felis catus or Felis domesticus) or hybrids of wild and domestic cats that are greater than three generations removed from an exotic or native cat.~~ "Exotic or native wild cat species" include, but are not limited to, lions, tigers, cougars, leopards, lynxes, bobcats, caracals, ocelots, margays, servals, cheetahs, snow leopards, clouded leopards, jungle cats, leopard cats, and jaguars, or any hybrid thereof.

(4)

(5) "Therapeutic purpose" means for the purpose of addressing an existing or recurring infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat's health, where addressing the infection, disease, injury, or abnormal condition is a medical necessity.

SEC. 2.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for

<p>(C) For the third or subsequent violation, a civil penalty of at least one thousand five hundred dollars (\$1,500), but not more than two thousand five hundred dollars (\$2,500).</p> <p>(2) A violation of subdivision (c) is punishable by a civil penalty of not more than two hundred dollars (\$200).</p> <p>(3) A violation of this section by a licensed veterinarian shall constitute unprofessional conduct.</p> <p>(e) Upon determining a licensed veterinarian potentially violated subdivision (b), a person, including an entity enforcing this section, shall notify the Veterinary Medical Board of the potential violation. Notwithstanding Section 9, a violation of this requirement is not a crime and is not subject to any civil or criminal penalty.</p> <p>(f) The Attorney General, a city attorney, or a county counsel may bring an action to impose a civil penalty pursuant to this section.</p> <p>(g) A civil penalty imposed pursuant to this section shall be deposited into the General Fund if the action is brought by the Attorney General. If the action is brought by a city attorney, the civil penalty shall be paid to the treasurer of the city in which the judgment is entered. If the action is brought by a county counsel, the civil penalty shall be</p>	<p>a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.</p> <p>SECTION 1. Section 4803 of the Business and Professions Code is amended to read:</p> <p>4803.</p> <p>The Governor may, in his or her judgment, remove any member of the board for neglect of duty or other sufficient cause, after due notice and hearing.</p>
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paid to the treasurer of the county in which the judgment is entered.

(h) This section does not preempt any local ordinance prohibiting a declawing procedure, or similar conduct, or imposing a more severe penalty for performing a declawing procedure or similar conduct.

SECTION 1.~~Section 1502.5 of the Health and Safety Code is amended to read:~~

1502.5.

~~Notwithstanding Section 1502, a residential care facility for the elderly, as defined in Section 1569.2, shall not be considered a community care facility, and shall be subject only to the California Residential Care Facilities for the Elderly Act (Chapter 3.2 (commencing with Section 1569)).~~

SECTION 1.

Section 31755 is added to the Food and Agricultural Code, to read:

31755.

(a) For purposes of this section, the following definitions apply:

(1) "Cat" means an animal of the taxonomic family felidae, except an animal that is a member of an exotic or native wild cat species as defined in Section 597.6 of the Penal Code.

(2) "Declawing procedure" means an onychectomy, partial or complete phalangeectomy, partial digital amputation, tendonectomy, or other procedure to alter a cat's toes, claws, or paws to prevent the normal functioning of the cat's toes, claws, or paws. "Declawing procedure" does not include the trimming of nonviable claw husk or placing nonpermanent nail caps.

(3) "Licensed veterinarian" means a person licensed as a veterinarian by the State of California.

(4) "Onychectomy" means a procedure in which a portion of the paw of a cat is amputated to remove or disable a claw, including, without limitation, procedures commonly referred to as declawing.

(5) "Partial digital amputation" means a procedure for the excision of some or all of one or more of the phalanges of the paw of a cat.

(6) "Phalangeectomy" means a procedure for the excision of one or more of the phalanges of the paw of a cat.

(7) "Tendonectomy" means a procedure in which the tendons to the limbs, paws, or toes of a cat are cut or modified so that the cat's claws cannot function normally.

(8) "Therapeutic purpose" means for the purpose of addressing an existing or recurring infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat's health and only when addressing that infection, disease, injury, or abnormal condition is determined by a licensed veterinarian to be a medical necessity. "Therapeutic purpose" does not include cosmetic or aesthetic purposes or the purpose of making a cat more convenient to keep or handle.

(b) (1) Except as specified in paragraph (2), a person shall not remove or disable a cat's claws by performing a declawing procedure.

(2) This subdivision does not apply to a phalangectomy performed solely for a therapeutic purpose.

(c) (1) If a licensed veterinarian determines that it is necessary to perform a phalangectomy for a therapeutic purpose, the licensed veterinarian, on or before 10 business days after performing the phalangectomy, shall file a written statement, including the corresponding independent laboratory pathology report confirming the pathology, with the Veterinary Medical Board.

(2) The written statement shall include the purpose for performing the phalangectomy, identifying information for the cat, including its age, gender, markings, and microchip number, if applicable, a photo of the cat's face, and the name, current address, and current

phone number of the owner or keeper of the cat.

(3) The licensed veterinarian shall provide a copy of the written statement to the owner or keeper of the cat.

(d) (1) A violation of subdivision (b) is punishable by the following:

(A) For the first violation, a civil penalty of not more than one thousand dollars (\$1,000).

(B) For the second violation, a civil penalty of at least one thousand dollars (\$1,000), but not more than one thousand five hundred dollars (\$1,500).

(C) For the third or subsequent violation, a civil penalty of at least one thousand five hundred dollars (\$1,500), but not more than two thousand five hundred dollars (\$2,500).

(2) A violation of subdivision (c) is punishable by a civil penalty of not more than two hundred dollars (\$200).

(3) A violation of this section by a licensed veterinarian shall constitute unprofessional conduct.

(e) Upon determining a licensed veterinarian potentially violated subdivision (b), a person, including an entity enforcing this section, shall notify the Veterinary Medical Board of the potential violation. Notwithstanding Section 9, a violation of this requirement is not a crime

and is not subject to any civil or criminal penalty.

(f) The Attorney General, a city attorney, or a county counsel may bring an action to impose a civil penalty pursuant to this section.

(g) A civil penalty imposed pursuant to this section shall be deposited into the General Fund if the action is brought by the Attorney General. If the action is brought by a city attorney, the civil penalty shall be paid to the treasurer of the city in which the judgment is entered. If the action is brought by a county counsel, the civil penalty shall be paid to the treasurer of the county in which the judgment is entered.

(h) This section does not preempt any local ordinance prohibiting a declawing procedure, or similar conduct, or imposing a more severe penalty for performing a declawing procedure or similar conduct.

SECTION 1.~~Section 1502.5 of the Health and Safety Code is amended to read:~~

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~~Notwithstanding Section 1502, a residential care facility for the elderly, as defined in Section 1569.2, shall not be considered a community care facility, and shall be subject only to the California Residential Care Facilities for the Elderly Act (Chapter 3.2 (commencing with Section 1569)).~~

