

RESOLUTION 04-06-2015

DIGEST

Criminal Law: Banning Declawing of Domestic Cats

Amends Penal Code section 597.6 to ban the declawing of domestic cats.

TEXT OF RESOLUTION

RESOLVED, that the Conference of California Bar Associations recommends that legislation be sponsored to amend California Penal Code section 597.6 to read as follows

§597.6

1 (a)(1) No person may perform, or otherwise procure or arrange for the performance of,
2 surgical claw removal, declawing, onychectomy, or tendonectomy on any cat ~~that is a member of~~
3 ~~an exotic or native wild cat species~~, and shall not otherwise alter such a cat's toes, claws, or paws
4 to prevent the normal function of the cat's toes, claws, or paws.

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

7 (b) Any person who violates this section is guilty of a misdemeanor punishable by
8 imprisonment in a county jail for a period not to exceed one year, by a fine of ten thousand
9 dollars (\$10,000), or by both that imprisonment and fine.

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

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

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

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

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

(Proposed language underlined, language to be deleted stricken)

PROPONENT: San Mateo County Bar Association

STATEMENT OF REASONS

The Problem: Declawing, also known as onychectomy is the surgical amputation of all or part of a cat's third phalanges (toe bones) and attached claws. An analogous procedure on a human being would involve amputating fingers and toes down to the first knuckle. *See Position*

Statement on Declawing Cats, ASPCA, <https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-on-declawing-cats> (last visited Jan. 15, 2015). An “estimated 25% of owned cats in the United States are declawed.” Lysa P. Posner, *Analgesia for Declaw Patients*, NAVC CLINICIAN’S BRIEF, May 2010, at 63, 63. The procedure is inhumane and its benefits are regularly outweighed by its complications.

Complications. One study found fifty percent of cats had one or more medical complications post-surgery, and that nearly twenty per cent developed complications after release. Karen S. Tobias, *Feline Onychectomy at a Teaching Institution*, 23 VETERINARY SURGERY 274 (1994). Other studies confirmed that “This procedure has a complication rate of about 20%, and owners must accept the possibility of short- or long-term complications.” Gary W. Ellison, *Feline Onychectomy Complications*, NAVC CLINICIAN’S BRIEF, Apr. 2003, at 29, 29; see AJ Jankowski, et al., *Comparison Of Effects Of Elective Tendonectomy Or Onychectomy In Cats*, 213 J. AM. VET MED. ASS’N 370 (1998). Reported medical complications include: pain, hemorrhage, laceration of paw pads, reluctance to bear weight on affected limb, neuropraxia (transient motor paralysis), radial nerve damage, chronic pain syndrome, and flexor tendon contracture.

Behavioral Problems. Owners are sold on this expensive procedure as a way to protect their furniture and carpets from misbehaving cats. But research suggests that the pain and medical complications from the amputation can often result in even worse behavioral problems. See Seong C. Yeon, et al. *Attitudes Of Owners Regarding Tendonectomy And Onychectomy In Cats*, 218 J. AM. VET MED. ASS’N 43-47 (2001). Common anti-social behavior includes aggressive biting, and litter box avoidance.

Owner Abandonment. Opponents argue that declawing is preferable to cat abandonment. But due to the increased misbehavior associated with the procedure, declawed cats are surrendered to animal shelters at higher rates than intact cats. See G.J. Patronek *et al.*, *Risk Factors for Relinquishment of Cats to an Animal Shelter*, 209 J. AM. VET MED. ASS’N 582 (1996).

Chronic Pain. Finally, mounting evidence suggests that the procedure leaves a number of these animals in discomfort or with life-long chronic pain. See James S. Gaynor, *Chronic Pain Syndrome of Feline Onychectomy*, NAVC CLINICIAN’S BRIEF, Apr. 2005, at 11, 11. Perhaps this is why “few veterinary schools teach the procedure,” Posner, *supra*, at 63, and why it has been banned as unnecessary and inhumane in twenty-five countries including Switzerland, Sweden, Austria, Norway, Germany, and the United Kingdom. Likewise, a number of California cities including Los Angeles, Burbank, Santa Monica, Beverly Hills, West Hollywood, Culver City, Berkeley, and San Francisco have banned the procedure as “cruel” and “inhumane.” See Ordinance No. 237-09, Aug. 17, 2009 (S.F. Cal. Bd. of Supervisors 2009).

The Solution: To expand the law to prohibit the declawing of domestic cats as well.

(Proposed language underlined, language to be deleted stricken)

IMPACT STATEMENT

This resolution does not affect any other law, statute or rule.

CURRENT OR PRIOR RELATED LEGISLATION

Not known.

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RESPONSIBLE FLOOR DELEGATE: B. Douglas Robbins

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Penal Code section 597.6 to ban the declawing of domestic cats. This resolution should be approved in principle because the amputation of a portion of an animal's feet is unnecessary and inhumane.

Declawing is not merely the removal of a cat's nails. It involves the amputation of the last bone of each toe with a scalpel or guillotine clipper, or by use of a laser to vaporize the tissue. If performed on a human being, it would be like cutting off each finger at the last knuckle. It is an unnecessary surgery that provides no medical benefit to the cat and can cause lasting physical problems. Another method is to sever the tendon that controls the claw in each toe, allowing the cat to keep his or her claws but making it impossible to extend them to scratch. This procedure is associated with a high incidence of abnormally thick claw growth, often leading to the need to surgically declaw at a later time. As with any surgery, there are risks of bleeding, nerve damage and infections, and all of these procedures carry the risks of tissue necrosis, lameness, bone spurs and back pain. (The Humane Society of the United States, "Declawing Cats: Far Worse Than a Manicure" (May 12, 2014) [<http://www.humanesociety.org/animals/cats/tips/declawing.html>].)

A prohibition of declawing may discourage some people from adopting a cat, resulting in a greater number of animals being euthanized. And there can be legitimate concerns about the risk of being scratched, such as where the owner is immuno-suppressed or where there are small children in the home. However, there are many non-surgical alternatives to declawing, starting with training and regular trimming. The procedure is illegal in most European countries, including Britain where it is considered cruelty to animals. In Israel, declawing a cat could result in a yearlong prison sentence and a fine around \$20,000. Declawing and tendonectomies should be reserved only for those rare cases in which a cat has a medical problem that would warrant such surgery.