

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 48

INTRODUCER: Senator Book

SUBJECT: Declawing of Cats

DATE: January 29, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	_____	_____	<u>IT</u>	_____
3.	_____	_____	<u>RC</u>	_____

I. Summary:

CS/SB 48 provides that any person, other than a veterinarian licensed under ch. 474, who unlawfully declaws a cat, is subject to a civil penalty of up to \$1,000 for each violation. A veterinarian licensed under ch. 474, who performs such a procedure, is subject to disciplinary action by the Board of Veterinary Medicine. Disciplinary actions could result in fines up to \$5,000 for each violation, as well as possible investigation and prosecution costs. The bill includes an additional penalty making each incident in which a cat is declawed, or partially declawed, a separate violation.

II. Present Situation:

A cat's claws play an important role in various aspects of their lives. They use their claws to assist in climbing and maintaining balance, to help them fully stretch, to relieve stress through kneading, and to escape danger. When a cat is declawed, it is usually done in an attempt to protect furniture and to manage undesirable behavior. Declawing, also known as onychectomy, is a 30 to 60 minute surgery that involves the removal of all or most of the last bone of each of the toes of the front feet. Also severed are tendons, nerves, and ligaments that allow for normal function of the paw, possibly resulting in intense and chronic pain and other serious medical issues. Abscesses often develop as the area comes into contact with dirt or litter, and sometimes regrowth can occur spontaneously resulting in sharp pain or infection. After the claws are removed, the animal tends to shift its gait. The area where it places most of its weight can result in strain on its leg joints and spine, which can lead to early onset arthritis and prolonged back and joint pain.¹

¹ New York State Assembly Memorandum in Support of Legislation, Bill Number A1303B (2019-2020), https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A01303&term=2019&Summary=Y&Memo=Y (last accessed December 11, 2019).

Declawing is currently banned in New York, nearly 10 cities in California, and in Denver, San Francisco, and Los Angeles. It is also banned in most European countries and some Canadian provinces.²

III. Effect of Proposed Changes:

Section 1 creates s. 828.095, F.S., to define the following terms:

Declawing -

- An onychectomy, dactylectomy, phalangectomy, partial digital amputation, or any other surgical procedure by which a portion of a cat's paw is amputated to remove the cat's claw.
- A tendonectomy or another surgical procedure by which the tendons of a cat's limbs, paws, or toes are cut or modified so that the cat's claws cannot be extended.
- Any other procedure that prevents the normal functioning of a cat's claws.

Therapeutic purpose - The necessity of addressing the physical medical condition of a cat, such as an existing or recurring illness, infection, disease, injury, or abnormal condition of the cat which compromises the cat's health. The term does not include a cosmetic or an aesthetic reason or reasons of convenience for keeping or handling the cat.

The bill prohibits a person to declaw a cat unless the procedure is necessary for a therapeutic purpose. Any person, other than a veterinarian licensed under ch. 474, who performs such procedure, is subject to a civil penalty of up to \$1,000 for each violation. A veterinarian licensed under ch. 474 who performs such a procedure is subject to disciplinary action by the Board of Veterinary Medicine. Each incident in which a cat is declawed, or partially declawed, constitutes a separate violation.

Section 2 amends s. 474.214, F.S., to provide that a veterinarian who performs a prohibited declawing, as set forth in s. 828.095, F.S., created by the bill, is subject to disciplinary action.

Section 3 provides that this act shall take effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

² Dani Matias, "Cats Can Keep Their Claws; New York Bans Declawing," <https://www.npr.org/2019/07/23/744436827/cats-can-keep-their-claws-new-york-bans-declawing> (last accessed December 11, 2019).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Any person, other than a veterinarian licensed under ch. 474, who unlawfully declaws a cat, is subject to a civil penalty of up to \$1,000 for each violation. A veterinarian licensed under ch. 474, who performs such a procedure, is subject to disciplinary action by the Board of Veterinary Medicine. Disciplinary actions could result in fines up to \$5,000 for each violation, as well as possible investigation and prosecution costs.

C. Government Sector Impact:

The Department of Business & Professional Regulation's Bureau of Education and Testing will evaluate content areas contained in the laws and rules portion of the veterinary medicine licensure examination to determine if content changes are needed. This review will be completed as part of a routine process upon implementation of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 474.214 of the Florida Statutes.
This bill creates section 828.095 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on January 28, 2020:

The committee substitute includes an additional penalty making each incident in which a cat is declawed, or partially declawed, a separate violation.

- B. **Amendments:**

None.