

**ASSEMBLY BILL**

**No. 1230**

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**Introduced by Assembly Member Quirk**

February 21, 2019

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An act to add Section 4832 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1230, as introduced, Quirk. Veterinary medicine: declawing animals.

Existing law prohibits a person from performing, or otherwise procuring or arranging 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 prohibits a person from otherwise altering such a cat's toes, claws, or paws to prevent the normal function of the cat's toes, claws, or paws. Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinary medicine by the Veterinary Medical Board in the Department of Consumer Affairs. A violation of the act is a crime.

This bill would prohibit a person from performing a declawing on a cat or other animal unless the person is licensed as a veterinarian and the veterinarian is performing the declawing for a therapeutic purpose. The bill would require a veterinarian to prepare and file a written statement with the board if the veterinarian determines that a declawing is necessary for a therapeutic purpose and would make a veterinarian subject to a determination by the board to revoke the veterinarian's license if the veterinarian does not comply with that requirement within 30 days of the procedure. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The Legislature finds and declares as follows:
- 2 (1) Declawing (onychectomy) and tendonectomy are veterinary
- 3 surgical procedures that have irreversible negative effects on the
- 4 animals that undergo these procedures.
- 5 (2) Declawing has been associated with unintended behavioral
- 6 consequences, including aggression and biting, according to studies
- 7 published in peer-reviewed scientific journals, which also found
- 8 that the “use of optimal surgical technique does not eliminate the
- 9 risk of adverse behavior subsequent to onychectomy.”
- 10 (3) The American Veterinary Medical Association states that
- 11 tendonectomy is not recommended to prevent an animal from using
- 12 its claws destructively.
- 13 (4) Declawing does not save the lives of animals nor guarantee
- 14 them homes. The American Association of Feline Practitioners
- 15 states, “There is no current peer-reviewed data definitively proving
- 16 that cats with destructive behavior are more likely to be euthanized,
- 17 abandoned or relinquished. The decision of whether or not to
- 18 declaw should not be impacted by these considerations.”
- 19 (5) The Centers for Disease Control and Prevention, the National
- 20 Institutes of Health, and other human health authorities do not
- 21 advise the declawing of cats owned by persons who have medical
- 22 conditions that impair their immune systems.
- 23 (6) Safe and effective methods for preventing animals from
- 24 using their claws destructively do exist.
- 25 (7) Declawing is illegal or considered unethical by the veterinary
- 26 profession in much of the west of the world. Declawing is
- 27 prohibited in the California cities of Berkeley, Beverly Hills,
- 28 Burbank, Culver City, Los Angeles, San Francisco, Santa Monica,
- 29 and West Hollywood. Declawing is also prohibited by law in
- 30 Denver, Colorado, and the Canadian Province of Nova Scotia. The

1 veterinary associations in several Canadian provinces, including  
2 British Columbia and Nova Scotia, prohibit veterinarians practicing  
3 in those provinces from performing declawing or tendonectomy  
4 procedures.

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

8 SEC. 2. Section 4832 is added to the Business and Professions  
9 Code, to read:

10 4832. (a) Notwithstanding any other law, a person shall not  
11 perform a declawing on any cat or other animal unless both of the  
12 following conditions are satisfied:

13 (1) The person is licensed as a veterinarian pursuant to this  
14 chapter.

15 (2) The veterinarian is performing the declawing for a  
16 therapeutic purpose.

17 (b) Whenever a veterinarian determines that declawing is  
18 necessary for a therapeutic purpose, the veterinarian shall prepare  
19 and file a written statement with the board setting forth the purpose  
20 for performing the procedure and providing the name and address  
21 of the owner or keeper of the animal. The veterinarian shall also  
22 provide a copy of that statement to the owner of the animal. A  
23 veterinarian who fails to comply with this subdivision within 30  
24 days of the procedure shall be subject to discipline by the board,  
25 which shall make a determination as to whether or not to revoke  
26 the veterinarian's license.

27 (c) For purposes of this section:

28 (1) "Declawing" means any of the following:

29 (A) An onychectomy, dactylectomy, phalangectomy, partial  
30 digital amputation, or any other surgical procedure in which a  
31 portion of an animal's paw is amputated to remove the animal's  
32 claw.

33 (B) A tendonectomy, or surgical procedure in which the tendons  
34 of an animal's limbs, paws, or toes are cut or modified so that the  
35 claws cannot be extended.

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

38 (2) "Therapeutic purpose" means for the purpose of necessity  
39 to address a physical medical condition of the animal such as an  
40 existing or recurring illness, infection, disease, injury, or abnormal

1 condition in the animal’s claw that compromises the animal’s  
2 health. “Therapeutic purpose” does not mean cosmetic or aesthetic  
3 reasons or reasons of convenience in keeping or handling the  
4 animal.

5 SEC. 3. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.