

**REPORT ON LEGISLATION  
BY THE ANIMAL LAW COMMITTEE**

**A.1303-B  
S.5532-B**

**M. of A. L. Rosenthal  
Sen. Gianaris**

AN ACT to amend the agriculture and markets law, in relation to the declawing of cats.

**THIS LEGISLATION IS APPROVED**

**I. INTRODUCTION**

Since 2014, the Animal Law Committee of the New York City Bar Association (“City Bar”) has been studying the controversial veterinary procedures of onychectomy, phalangectomy, and tendonectomy that are performed on cats; these procedures are commonly referred to as “declawing.” We have made significant efforts to learn about and consider arguments in favor of and against a law prohibiting these procedures, including studying international, federal, and local laws that prohibit declawing, reviewing opinions of veterinary medical associations and animal welfare organizations, consulting with veterinarians and shelters, screening a documentary film for public discussion, reviewing briefs and opinions of governmental entities and other bar associations, and speaking to owners of declawed cats. On February 5, 2018, the Animal Law Committee held a public program in which we invited speakers on both sides of the issue to discuss the practice and the prospect of banning these procedures by law. All of the speakers agreed that alternatives exist that can spare cats from this serious medical procedure, though some in the field think that a cat owner should have the right to declaw if that owner would otherwise relinquish the cat.<sup>1</sup>

Since 2014 when the Animal Law Committee began considering declawing, there have been significant developments that influenced our decision to support legislation to ban the procedure at this time.

*First*, the bill has been amended. In light of the City Bar’s position on mass incarceration,<sup>2</sup> the Animal Law Committee felt that the bill must be amended to change the penalty for violation from a misdemeanor to a civil fine. The bill has been amended to remove

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<sup>1</sup> A link to a recording of the program is available on the City Bar’s website, here <http://bit.ly/2Ht6kdG>. (All websites last visited on May 6, 2019.)

<sup>2</sup> For more on the City Bar’s work toward reducing over-criminalization and mass incarceration, please view the following: <http://www.nycbar.org/member-and-career-services/committees/mass-incarceration-task-force-on>.

the criminal penalty and also limited the applicability of the civil fine to persons who actually perform the procedure.

*Second*, convincing evidence from Los Angeles County suggests that a law banning the declawing procedure would not result in an increase in abandoned cats. Since 2009, when a law banning the declawing procedure in Los Angeles County went into effect, the number of cats surrendered to the Los Angeles Animal Services Department declined slightly in the five years following the ban.<sup>3</sup> There are numerous factors that influence relinquishment rates, but in a city of roughly four million people, it is significant that there is no evidence that a prohibition on declawing caused a spike in the number of cats being abandoned to shelters.

*Third*, the first study about the effect of declawing on a comparatively large population of cats' behavior and long-term health was published in 2017 in the *Journal of Feline Medicine and Surgery*.<sup>4</sup> The study stated that declawed cats had "much greater" odds of eliminating outside of the litter box than cats who had not been declawed.<sup>5</sup> The authors hypothesized that this is because stepping on litter in a litterbox is painful for declawed cats.<sup>6</sup> In addition, years after the surgery, declawed cats had a "significant increase" in back pain, biting, aggression, and barbering (pulling out hair).<sup>7</sup> The authors hypothesized that increased biting and aggression resulted because declawed cats, who lack the defenses of their claws, felt forced to use more aggressive tactics to protect themselves.<sup>8</sup> The authors also noted that while cat scratches typically do not result in infection, cat bite infection rates can be as high as 30% to 50%.<sup>9</sup>

*Fourth*, since 2014, more organizations have changed their positions or issued statements concerning declawing of cats. In 2017, in a rare statement about pending legislation, the North Shore Animal League issued its support of the bill.<sup>10</sup> In 2017, Denver, Colorado banned cat declawing.<sup>11</sup> Also in 2017, the Canadian Veterinary Medical Association publicly denounced the practice of cat declawing.<sup>12</sup> Six Canadian provinces have since banned the practice of declawing

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<sup>3</sup> Number of cats relinquished per year to the Los Angeles Animal Services Department (declaw ban effective in 2009): 21,649 (2005), 21,268 (2006), 19,151 (2007), 23,303 (2008), 22,243 (2009), 21,795 (2010), 22,503 (2011), 21,126 (2012), 20,223 (2013), 20,119 (2014), and 20,308 (2015).

<sup>4</sup> Nicole K Martell-Moran *et al.*, *Pain and Adverse Behavior in Declawed Cats*, J. OF FELINE MEDICINE AND SURGERY 1 (May 23, 2017). (Article on-file with the Animal Law Committee.)

<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 1-2.

<sup>10</sup> North Shore Animal League, Position Statements, <https://www.animalleague.org/who-we-are/position-statements>. (All webpages cited in this report were last visited on March 13, 2018).

<sup>11</sup> Denver, Co. Code of Ordinances § 8-141.

<sup>12</sup> Press Release, Canadian Veterinary Medical Association Opposes Declawing of Cats (Mar. 29, 2017), <https://www.canadianveterinarians.net/news-events/news/news-release-canadian-veterinary-medical-association-opposes-declawing-of-cats>.

cats for non-therapeutic purposes: Nova Scotia,<sup>13</sup> British Columbia,<sup>14</sup> Prince Edward Island,<sup>15</sup> Newfoundland and Labrador,<sup>16</sup> Alberta,<sup>17</sup>, and New Brunswick.<sup>18</sup>

On balance, the Animal Law Committee believes that the growing arguments in favor of a ban outweigh the concerns of those opposed to a ban and, for this reason, as well as the reasons described below, we approve the bill.

## II. SUMMARY OF THE PROPOSED LEGISLATION

The proposed legislation<sup>19</sup> would amend Article 26 of the New York Agriculture and Markets Law by adding a new section 380, prohibiting any person from performing an onychectomy or partial or complete phalangectomy or tendonectomy on any cat within New York State, except when necessary to address the physical medical condition of the cat, such as an existing or recurring illness, infection, disease, injury or abnormal condition in the claw that compromises the cat's health; performing these procedures for cosmetic or aesthetic reasons, or reasons of convenience in keeping or handling the cat, would be prohibited. Any person who performs an onychectomy, partial or complete phalangectomy or tendonectomy procedure on any cat within New York State would be guilty of a violation punishable by a civil penalty not to exceed one thousand dollars. The proposed legislation would take effect immediately.

## III. BACKGROUND

Onychectomy, the standard method of declawing, involves the amputation of all or most of the last bone of each of the ten toes of the front feet using a scalpel, guillotine clipper, or laser and the severance of the surrounding tendons, nerves and ligaments.<sup>20</sup> (A phalangectomy similarly involves the amputation of a phalanx, a bone of the finger or toe.) The feline bone

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<sup>13</sup> Anjali Patil, *Nova Scotia Veterinary Medical Association to Ban Declawing*, CBC (Dec. 12, 2017), <http://www.cbc.ca/news/canada/nova-scotia/nova-scotia-veterinary-medical-association-stops-declawing-1.4445376>.

<sup>14</sup> Press Release, College of Veterinarians of British Columbia (May 8, 2018), [https://www.cvbc.ca/CVBC1/About\\_Contents/News\\_Tag/Cat\\_Declaw\\_\(Partial\\_Digital\\_Amputation\)\\_Standard\\_of\\_Practice.aspx?WebsiteKey=3f401420-2cff-4e41-bdb5-c5e7c1e5ea79](https://www.cvbc.ca/CVBC1/About_Contents/News_Tag/Cat_Declaw_(Partial_Digital_Amputation)_Standard_of_Practice.aspx?WebsiteKey=3f401420-2cff-4e41-bdb5-c5e7c1e5ea79).

<sup>15</sup> Kevin Yarr, *P.E.I. Veterinarians Ban "Unnecessary" Declawing*, CBC (Nov. 7, 2018), <https://www.canadianveterinarians.net/news-events/news/declawing-earcropping-taildocking-alberta>.

<sup>16</sup> Julian Brown, *No More Declawing of Cats, N.L. College of Veterinarians Decides*, CBC (Nov. 7, 2018), <https://www.cbc.ca/news/canada/newfoundland-labrador/declaw-cats-ban-1.4895247>.

<sup>17</sup> Canada Veterinary Medical Association, *ABVMA Members Pass Resolutions to Ban Medically Unnecessary Surgical Procedures and to Require Veterinarians and Veterinary Technologists to Report Animal Abuse and Neglect* (Feb. 25, 2019), <https://www.canadianveterinarians.net/news-events/news/declawing-earcropping-taildocking-alberta>.

<sup>18</sup> New Brunswick Veterinary Medical Association, *Position Statements*, <http://nbvma-amvnb.ca/news/nbvma-position-statements/>. New Brunswick's ban will be effective July 1, 2019.

<sup>19</sup> Full text available at [https://nyassembly.gov/leg/?default\\_fld=&leg\\_video=&bn=A01303&term=2019&Summary=Y&Text=Y](https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A01303&term=2019&Summary=Y&Text=Y).

<sup>20</sup> *Literature Review on the Welfare Implications of Declawing of Domestic Cats*, American Veterinary Medical Association, February 16, 2016, [https://www.avma.org/KB/Resources/LiteratureReviews/Documents/declawing\\_bgnd.pdf](https://www.avma.org/KB/Resources/LiteratureReviews/Documents/declawing_bgnd.pdf).

contains both a growth plate and the nail; thus, by amputating this portion of the bone, the procedure permanently removes the animal's nails. If performed on a human being, the anatomical equivalent of this procedure would be the amputation of a person's fingers at the last joint.<sup>21</sup> The wounds are closed with stitches or surgical glue and the feet are bandaged. Tendonectomy (or tenectomy) is a surgical procedure in which the tendons of the toes are severed, leaving the claws intact but rendering the cat unable to move or extend its claws.<sup>22</sup> (Unless otherwise noted, as used in this report, "declawing" refers to onychectomy, phalangectomy, and/or tendonectomy.)

#### IV. JUSTIFICATION

The proposed legislation would prohibit performing an onychectomy, phalangectomy or tendonectomy on a cat or other animal for non-therapeutic purposes,<sup>23</sup> but still permit these procedures when "necessary to address the physical medical condition of the cat." The Committee supports the proposed legislation because performing such procedures on animals for non-medical purposes is unnecessary and inhumane.

##### a. Declawing Procedures for Non-Medical Purposes Are Unnecessary

Declawing procedures are generally not medically necessary for the health of the animal<sup>24</sup> or the health of the pet owner.<sup>25</sup> The U.S. Centers for Disease Control and Prevention

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<sup>21</sup> Steve Dale, *Veterinarian group promotes alternatives to declawing cats*, THE CHICAGO TRIBUNE (Aug. 27, 2014), <http://www.chicagotribune.com/lifestyles/pets/sns-201408261830--tms--petwrltdctnya-a20140827-20140827-column.html>.

<sup>22</sup> See Wendy C. Brooks, *Declawing and Its Alternatives*, VeterinaryPartner.com (Jan. 24, 2002), at <http://www.veterinarypartner.com/Content.plx?A=568>. It was reported that 55% of the cats having tendonectomy procedures were still able to scratch to some degree and that 10% of the cat's owners had the cats declawed after the procedure. See The Paw Project, *Frequently Asked Questions About Feline Declawing: Is declawing with a laser better? What about tendonectomy?*, PawProject.org, <http://www.pawproject.org/faqs/> (citing A.J. Jankowski et al., *Comparison of Effects of Elective Tenectomy or Onychectomy in Cats*, 213 J. AM. VET. MED. ASSOC. 370-373 (1998)).

<sup>23</sup> It is estimated that between 24-45% of all cats in homes are declawed. See Sylvie Cloutier et al., *Behavioural Signs of Postoperative Pain in Cats Following Onychectomy or Tenectomy Surgery*, 92 APPLIED ANIMAL BEHAVIOUR SCIENCE 325, 326 (citing G.J. Patronek, *Assessment of Claims of Short- and Long-term Complications Associated with Onychectomy in Cats*, 219 J. AM. VET. MED. ASSOC. 932-937 (2001)).

<sup>24</sup> AVMA Position Statement on the Declawing of Domestic Cats, American Veterinary Medical Association (April 15, 2003), <https://www.avma.org/News/JAVMANews/Pages/030415c.aspx> ("Surgical declawing is not a medically necessary procedure for the cat in most cases."). See Eileen Jefferson, DMV, *The Ethics of Convenience*, Humane Society Veterinary Medical Association (December 6, 2011) at [https://www.hsvma.org/ethics\\_of\\_convenience#.XHbDNXN7n5Y](https://www.hsvma.org/ethics_of_convenience#.XHbDNXN7n5Y). Declawing procedures are often referred to as "convenience surgeries" because they unnecessarily place the animal at risk without imparting any physical benefit. Many veterinarians decline to perform convenience surgeries on ethical grounds alone, since these procedures inhibit an animal's behaviors and perpetuate avoidance of responsibilities inherent in living with the animal, at the expense of the animal. See also *CFA Guidance Statement on Declawing*, The Cat Fancier's Association, Inc. (June 2003), <http://www.cfainc.org/Portals/0/documents/articles/declawing.pdf> ("CFA perceives the declawing of cats (onychectomy) and the severing of digital tendons (tendonectomy) to be elective surgical procedures that are without benefit to the cat").

<sup>25</sup> The health risk from cat scratches is less than those from bites, cat litter, or fleas carried by cats. See The Humane Society of the United States, *Declawing Cats: Far Worse Than a Manicure* (May 12, 2014), at

state, “Declawing is not recommended” for individuals with compromised immune systems.<sup>26</sup> Declawing procedures are commonly performed to prevent or eliminate certain behaviors such as unwanted scratching. A number of simple and humane alternatives to address scratching include (1) keeping the animal’s claws trimmed, (2) providing scratching posts and boards around the home, (3) applying soft plastic caps over the animal’s nails at home or in the veterinarian’s office, and (4) attaching a double-sided sticky tape to furniture, which will provide negative reinforcement to the scratching.<sup>27</sup>

## **b. Declawing and Tendonectomy Procedures Are Painful and Inhumane**

Declawing and tendonectomy procedures—and the side effects of the procedures—may cause serious harm to animals. As recognized by the American Veterinary Medical Association, declawing is a “painful procedure” with inherent risks and complications, including anesthetization, excessive bleeding, and other post-operative complications.<sup>28</sup> Declawed cats may develop lameness, nerve damage, tissue damage, hemorrhage, regrowth, infection, pain, and other problems.<sup>29</sup> Similarly, tendonectomy is associated with a high incidence of abnormal claw growth and muscle atrophy, and the animals still require the regular trimming of their nails.<sup>30</sup>

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<http://www.humanesociety.org/animals/cats/tips/declawing.html>. Among the human diseases most commonly associated with cats are bartonellosis (also known as cat scratch fever) and toxoplasmosis. See Cornell Feline Health Center, *Zoonotic Disease: What Can I Catch from my Cat?* (2006), at <https://www.vet.cornell.edu/departments-centers-and-institutes/cornell-feline-health-center/health-information/feline-health-topics/zoonotic-disease-what-can-i-catch-my-cat>. The only way a human may contract bartonellosis is through contact with a cat who is infected with the disease which generally occurs through a flea infestation or blood transmission (typically as a result of a cat fight). The Centers for Disease Control and Prevention (CDC) therefore does not recommend cat declawing to prevent contraction of this disease but rather advises flea prevention, keeping cats indoors and the avoidance of rough play. See CDC, *Cat-Scratch Disease* (April 30, 2014), <http://www.cdc.gov/healthypets/diseases/cat-scratch.html#tabs-258629-2>. The CDC further notes that people are more likely to acquire toxoplasmosis from eating raw meat or gardening and recommends that people simply wash their hands thoroughly after touching cat feces to prevent the potential transmission of the disease. CDC, *Cats* (May 13, 2016), <http://www.cdc.gov/healthypets/pets/cats.html>.

<sup>26</sup> CDC, *Cat-Scratch Disease FAQs* (Jan. 11, 2016), <https://www.cdc.gov/bartonella/cat-scratch/index.html>.

<sup>27</sup> See Wendy C. Brooks, *Declawing and Its Alternatives*, *supra*.

<sup>28</sup> AVMA, Literature Review on the Welfare Implications of Declawing of Domestic Cats, *supra*; AVMA, Declawing of Domestic Cats, at <https://www.avma.org/kb/policies/pages/declawing-of-domestic-cats.aspx>; Karen Swalec Tobias, *Feline Onychectomy at a Teaching Institution: A Retrospective Study of 163 Cases*, 23 VETERINARY SURGERY 274, 274 (1994).

<sup>29</sup> See Karen Swalec Tobias, *Feline Onychectomy at a Teaching Institution: A Retrospective Study of 163 Cases*, *supra*. Another amputation method involves the use of laser beams that burn through the animal’s toe joint. See The Humane Society of the United States, *Declawing Cats: Far Worse Than a Manicure*, *supra*. Some veterinarians note that this procedure offers no benefit over the conventional method of declawing and may actually cause worse complications in the first two days after surgery, including fourth degree burns of the bone. See The Paw Project, *Frequently Asked Questions About Feline Declawing: Is declawing with a laser better? What about tendonectomy?*, *supra* (citing J. Levy et al., “Evaluation of Laser Onychectomy in the Cat,” *Proceedings. 19th Annual Meeting Society Laser Med.* 73 (1999)).

<sup>30</sup> See The Paw Project, *Frequently Asked Questions About Feline Declawing: Is declawing with a laser better? What about tendonectomy?*, *supra*. One veterinarian also notes: “Veterinarians who recommend tendonectomy for cats will tell their clients that they have to trim the cat’s claws at least every week. If the client is going to have to trim the nails every week, why not just trim the nails and avoid the tendonectomy procedure all together?” *Id.*



Physical pain may last several days after the operation<sup>31</sup> and persist for years, according to a new study published in 2017.<sup>32</sup> After surgery, a declawed cat may have to spend several days in a veterinary hospital<sup>33</sup> but in many cases, declawed cats are not provided with pain medicine after the surgery.<sup>34</sup>

In addition to causing physical problems, these procedures harm the animals in other ways. Scratching, for instance, is normal feline behavior used by cats as a means to fully stretch, mark their territory,<sup>35</sup> maintain balance,<sup>36</sup> remove dead husks from their claws,<sup>37</sup> relieve stress,<sup>38</sup> defend themselves, and assist in climbing.<sup>39</sup> Without claws, these animals lose the ability to engage in this essential behavior. These procedures may also cause psychological harm,<sup>40</sup> or behavioral problems such as biting,<sup>41</sup> jumping on counters,<sup>42</sup> and not using the litter box.<sup>43</sup> Cats with such behavioral problems are at an increased risk for abandonment at animal shelters.<sup>44</sup>

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<sup>31</sup> Lysa Pam Posner, *Analgesia for Declaw Patients*, NAVC Clinician's Brief 63, 63 (May 2010) (stating that “[d]eclawed cats continued to have abnormal force plate analysis at 12 days post surgery” and recommending that “analgesic therapy should be instituted for at least 3 to 5 days”), available at <https://www.cliniciansbrief.com/article/analgesia-declaw-patients>.

<sup>32</sup> Nicole K Martell-Moran *et al.*, *Pain and Adverse Behavior in Declawed Cats*, J. OF FELINE MEDICINE AND SURGERY (May 23, 2017).

<sup>33</sup> American Society for the Prevention of Cruelty to Animals (ASPCA), *Position Statement on Declawing Cats*, at <https://www.aspca.org/about-us/aspca-policy-and-position-statements/position-statement-on-declawing-cats>.

<sup>34</sup> Statement of Eileen Jefferson, DVM, *The Pros and Cons of a Ban on Declawing Cats*, NYC Bar (Feb. 28, 2018).

<sup>35</sup> Benjamin L. Hart, *Modify a Cat's Behavior, Avoid Declawing*, NY TIMES (Dec. 21, 2015), <https://www.nytimes.com/roomfordebate/2015/12/21/should-it-be-illegal-to-declaw-your-cat/modify-a-cats-behavior-avoid-declawing>.

<sup>36</sup> Faye Rapoport DesPres, *Cat Care: To Declaw or Not to Declaw?* (Interview with Dr. Lisa Maciorakowski, DVM), Care.com, <https://www.care.com/a/cat-care-to-declaw-or-not-to-declaw-05201424>.

<sup>37</sup> The Humane Society of the United States, *Declawing Cats: Far Worse Than a Manicure*, *supra*.

<sup>38</sup> ASPCA, *Position Statement on Declawing Cats*, *supra*. As one veterinarian writes, “cats do not scratch to annoy us; they scratch to communicate something and the cues are physical and olfactory.”

<sup>39</sup> Melanie Morgan & Katherine A. Houpt, *Feline Behavior Problems: The Influence of Declawing*, 3 ANTHROZOÖS 50, 52 (1989).

<sup>40</sup> Faye Rapoport DesPres, *Cat Care: To Declaw or Not to Declaw?*, *supra*.

<sup>41</sup> Declawing deprives cats of their primary means of defense and leaves them no other way to protect themselves other than biting. See The Paw Project, *Frequently Asked Questions: Do declawed cats have difficulty defending themselves?*, *supra*.

<sup>42</sup> Melanie Morgan & Katherine A. Houpt, *Feline Behavior Problems: The Influence of Declawing*, *supra*.

<sup>43</sup> See Michael W. Fox, *Declawing: Another Veterinarian's Perspective*, LittleBigCat.com (Nov. 17, 2010), at <http://www.littlebigcat.com/declawing/declawing-another-veterinarians-perspective>.

<sup>44</sup> National Council on Pet Population Study & Policy, *Exploring the Surplus Cat and Dog Problem: Highlights of Five Research Publications Regarding Relinquishment of Pets* (2000), <https://web.archive.org/web/20140806233107/http://petpopulation.org/exploring.pdf> (noting that house soiling as the number one reason for animal relinquishment and aggression (biting) as the second most common reasons for pet relinquishment to shelters in the United States). See also The Paw Project, *Frequently Asked Questions: What is the experience of animal shelter workers with behavioral problems in declawed cats?*, *supra*.

**c. Summary of Support and Opposition for Regulation of Non-Medically Necessary Declawing By Veterinary, Animal Welfare and Other Professional Organizations**

A number of animal welfare organizations have taken positions against declawing and tendonectomy for non-medically necessitated purposes. These include the Humane Society of the United States,<sup>45</sup> the North Shore Animal League,<sup>46</sup> the Mayor's Alliance for NYC's Animals,<sup>47</sup> People for the Ethical Treatment of Animals,<sup>48</sup> In Defense of Animals,<sup>49</sup> Neighborhood Cats,<sup>50</sup> and Alley Cat Allies.<sup>51</sup>

Some veterinary organizations such as the World Small Animal Veterinary Association<sup>52</sup> and the Humane Society Veterinary Medical Association<sup>53</sup> support a ban on declawing for purely cosmetic purposes.

Other veterinary, animal welfare, and feline professional organizations strongly oppose or are critical of the routine use of declawing procedures, but have not advocated for a general ban on the practice for non-medically necessitated purposes. These include the American Association of Feline Practitioners<sup>54</sup> American Animal Hospital Association,<sup>55</sup> the Cat Fancier's Association, Inc.,<sup>56</sup> and the ASPCA.<sup>57</sup>

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<sup>45</sup> See Humane Society of the United States, *Declawing Cats: Far Worse Than a Manicure*, *supra*.

<sup>46</sup> North Shore Animal League, Position Statements, <https://www.animalleague.org/who-we-are/position-statements>.

<sup>47</sup> See Mayor's Alliance for NYC's Animals, "Legislation to Ban Cat-Declawing Introduced by Assembly" (shared Facebook article, Jan. 14, 2015), <https://www.facebook.com/mayorsallianceny/posts/10155078401745321>.

<sup>48</sup> See People for the Ethical Treatment of Animals, *Animal Rights Uncompromised: Declawing Cats*, at <http://www.peta.org/about-peta/why-peta/declawing-cats/>.

<sup>49</sup> In Defense of Animals, Protect NY Cats from Cruel Mutilations, <https://www.idausa.org/campaign/community-cats/latest-news/protect-ny-cats-from-cruel-mutilations>.

<sup>50</sup> Neighborhood Cats, TNR Handbook: The Guide to Trap-Neuter-Return for the Feral Cat Caretaker, 143 (2d ed. 2013), available at <http://www.livetrapped.com/images/instructions/nctnr2.pdf>.

<sup>51</sup> Becky Robinson, President and Founder, Alley Cat Allies, Letter to the Editor, New York Should Pass Ban on Cat Declawing, TIMES UNION (Albany) (May 27, 2017), <https://www.timesunion.com/tuplus-opinion/article/Letter-New-York-should-pass-ban-on-cat-declawing-11181168.php>.

<sup>52</sup> World Small Animal Veterinary Association, WSAVA Code of Conduct Manual 50 (Oct. 2010), [http://www.wsava.org/WSAVA/media/PDF\\_old/WSAVA-CodeOfConductManual\\_October2010.pdf](http://www.wsava.org/WSAVA/media/PDF_old/WSAVA-CodeOfConductManual_October2010.pdf) ("Where possible legislation should be enacted to prohibit the performance of non-therapeutic surgical procedures for purely cosmetic purposes, in particular . . . Declawing . . . . Exceptions to these prohibitions should be permitted only if a veterinarian considers that the particular surgical procedure is necessary, either for veterinary medical reasons or where euthanasia is the only alternative to either devocalisation, declawing or defanging.").

<sup>53</sup> Press Release, Humane Society Veterinary Medical Association, New York State Veterinarians Support Ban on Cat Declawing (Mar. 1, 2016) ("When done for convenience, [declawing] is medically and ethically unjustifiable."), [http://www.hsvma.org/index.php?option=com\\_content&view=article&id=903%3Aany\\_veterinarians\\_support\\_declaw\\_ban\\_030116&catid=25%3Anews&Itemid=98](http://www.hsvma.org/index.php?option=com_content&view=article&id=903%3Aany_veterinarians_support_declaw_ban_030116&catid=25%3Anews&Itemid=98).

<sup>54</sup> AAFP Position Statements: Declawing, The American Association of Feline Practitioners (2017) ("The American Association of Feline Practitioners (AAFP) strongly opposes declawing (onychectomy) as an elective procedure. It is the obligation of veterinarians to provide cat owners with alternatives to declawing."), <https://www.catvets.com/public/PDFs/PositionStatements/2017-DeclawingStatement.pdf>.

Yet other veterinary organizations do not recommend declawing for non-medical purposes, though they oppose legislatively restricting the practice, maintaining that declawing should remain a legal option for cat owners. These include the American Veterinary Medical Association (AVMA), which does not “recommend” the practice of declawing<sup>58</sup> and “recommends that the procedure only be performed after exhausting other methods of controlling scratching behavior or if it has been determined that the cat’s claws present a human health risk,”<sup>59</sup> but maintains the position that “the decision to perform declawing rests with the owner, in consultation with their veterinarian.”<sup>60</sup> The California Veterinary Medical Association,<sup>61</sup> the New York State Veterinary Medical Society,<sup>62</sup> and the New York State Association of Veterinary Technicians<sup>63</sup> have taken similar positions in opposing restrictions on declawing.

While some organizations have also stated that cats with destructive scratching behavior are more likely to be euthanized<sup>64</sup> (that therefore some individuals may euthanize or abandon cats if declawing is prohibited),<sup>65</sup> these organizations do not state whether euthanizations have actually risen in the jurisdictions that have prohibited declawing,<sup>66</sup> nor whether euthanasia and abandonment rates for cats with destructive scratching behavior exceed similar rates for

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<sup>55</sup> American Animal Hospital Association, *Declawing* (Aug. 2015), at <https://www.aaha.org/professional/resources/declawing.aspx> (“The American Animal Hospital Association strongly opposes the declawing of domestic cats and supports veterinarians’ efforts to educate cat owners and provide them with effective alternatives.”).

<sup>56</sup> *CFA Guidance Statement on Declawing*, The Cat Fancier’s Association, Inc. (June 2003), <http://www.cfainc.org/Portals/0/documents/articles/declawing.pdf> (“Because of the discomfort associated with any surgery and potential future behavioral or physical effects, CFA disapproves of routine declawing or tendonectomy surgery in lieu of alternative solutions to prevent household damage.”).

<sup>57</sup> See ASPCA, Position Statement on Declawing Cats, <https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-declawing-cats>.

<sup>58</sup> AVMA Policy on the Declawing of Domestic Cats, <https://www.avma.org/KB/Policies/Pages/Declawing-of-Domestic-Cats.aspx> (“tendonectomy is not recommended.”). Notably though, the AVMA does “condemn” declawing of wild and exotic animals. AVMA Now Condemns Declawing Wild and Exotic Cats, American Veterinary Medical Association (Dec. 31, 2012), <https://www.avma.org/news/javmanews/pages/1301151.aspx>.

<sup>59</sup> AVMA, Literature Review on the Welfare Implications of Declawing of Domestic Cats, *supra*.

<sup>60</sup> AVMA, Declaw or Not?, <https://www.avma.org/KB/Resources/Reference/AnimalWelfare/Pages/Declaw-or-Not.aspx>.

<sup>61</sup> CVMA Position Statement & Fact Sheet on Cat Declaw: <https://cvma.net/government/legislative-issues/legislative-archives/cat-declaw/cvma-position-statement-fact-sheet-on-cat-declaw/> (“The decision to declaw a cat should be made by the owner in consultation with their veterinarian. The declawing of cats may become necessary for medical or behavioral reasons and should be used instead of abandonment, or euthanasia.”).

<sup>62</sup> New York State Veterinary Medical Society: <https://vets.nysvms.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=f05253ff-d1ab-f27d-0d35-039a1127413a&forceDialog=0>

<sup>63</sup> New York State Association of Veterinary Technicians, Declaw Bill, <http://www.nysavt.org/?page=CurrIssDeclaw>.

<sup>64</sup> See, e.g., New York State Veterinary Medical Society, Declawing (Onychectomy), [http://c.ymcdn.com/sites/www.nysvms.org/resource/collection/6AC4D7D6-4DAE-4EAC-965F-B5EDFCCFDC57/declaw\\_position\\_stmt.pdf](http://c.ymcdn.com/sites/www.nysvms.org/resource/collection/6AC4D7D6-4DAE-4EAC-965F-B5EDFCCFDC57/declaw_position_stmt.pdf).

<sup>65</sup> See, e.g., New York State Veterinary Medical Society, Declawing (Onychectomy) (“It’s better for the client to have surgery as a last alternative before resorting to euthanizing their cat or relinquishing to a shelter, where it’s likely to be euthanized.”).

<sup>66</sup> As noted above, euthanasia and relinquishment are far from the only declawing alternatives that curb destructive scratching. See Section III.A, *supra*.



declawed cats. As noted above, declawing may itself lead to health complications and abandonment.<sup>67</sup>

#### **d. Declawing and Tendonectomy Have Been Banned or Restricted in Several Jurisdictions in the United States and Abroad**

Numerous foreign jurisdictions have banned or restricted declawing. These foreign jurisdictions include the United Kingdom,<sup>68</sup> France,<sup>69</sup> Germany,<sup>70</sup> Lithuania,<sup>71</sup> Austria,<sup>72</sup> Brazil,<sup>73</sup> Israel,<sup>74</sup> New Zealand,<sup>75</sup> Switzerland,<sup>76</sup> and certain states in Australia.<sup>77</sup> The European

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<sup>67</sup> See Section III.B, *supra*. In addition, the fact that an animal welfare law may make pet-owning less attractive for some individuals should not justify continuing to allow a cruel practice. Indeed, the State imposes several restrictions on animal owners that *may* dissuade some individuals from owning pets—for instance, the requirement that certain medical procedures be performed by a licensed veterinarian—but which *do* reduce cruel practices. See, e.g., N.Y. AGRIC. & MKTS. L. § 365(1).

<sup>68</sup> Animal Welfare Act 2006, c. 45, § 5 (U.K.) (prohibiting “procedure[s] which involve[] interference with the sensitive tissues or bone structure of the animal, otherwise than for the purpose of its medical treatment”), available at <http://www.legislation.gov.uk/ukpga/2006/45/crossheading/prevention-of-harm>.

<sup>69</sup> Law No. 2004-416 of May 11, 2004, Journal Officiel de la République Française [J.O.] [Official Gazette of France], May 18, 2004, p. 8786, art. 10(1) (prohibiting declawing unless a veterinarian considers the procedure medically necessary or in the interest of the animal); see also Sophie Duthoit, Vier Pfoten EPO, Questionnaire on France’s Animal Protection Laws 4, <http://www.carodog.eu/wp-content/uploads/2014/06/France.pdf>.

<sup>70</sup> Tierschutzgesetz [TierSchG, Animal Protection Law], May 18, 2006 BGBl. I S. 1206, 1313, § 6(1) (F.R.G.), available at <http://www.gesetze-im-internet.de/bundesrecht/tierschg/gesamt.pdf> (prohibiting declawing unless a veterinary deems it necessary); see also Michael Krieger, Vier Pfoten EPO, Questionnaire on Germany’s Animal Protection Laws 5, <http://www.carodog.eu/wp-content/uploads/2014/06/Germany.pdf>.

<sup>71</sup> Republic of Lithuania, Law on the Care, Keeping and Use of Animals (official translation), Oct. 3 2012, No XI-2271, art. 4(9) (prohibiting “mutilation or removal of . . . claws . . . except for . . . veterinary procedures performed by a decision of a veterinarian due to health concerns of the animal”).

<sup>72</sup> Bundesgesetz über den Schutz der Tiere [TSchG] [Federal Law on Animal Protection] Bundesgesetzblatt [BGBl] No. 118/2004 § 7(1) (Austria) (prohibiting declawing that does not serve a therapeutic purpose), available at <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/20003541/TSchG%2c%20Fassung%20vom%2003.02.2015.pdf>; see also Regina Binder, Vier Pfoten EPO, Questionnaire on Austria’s Animal Protection Laws 5, <http://www.carodog.eu/wp-content/uploads/2014/06/Austria1.pdf>.

<sup>73</sup> Res. 877/08, de 15 de fevereiro de 2008 (art. 7º, § 1) (Brazil) (prohibiting declawing), available at <portal.cfmv.gov.br/lei/download-arquivo/id/508>.

<sup>74</sup> Law Against Cruelty to Animals (Animal Protection) (Amendment 8), 5772-2011 (Isr.), available at [http://www.chai-online.org/en/compassion/declawing\\_ban.pdf](http://www.chai-online.org/en/compassion/declawing_ban.pdf) (prohibiting declawing “unless . . . required for the purpose of medical treatment of the cat or to prevent a serious health risk to its owner”).

<sup>75</sup> Animal Welfare Act 1999, 1999 No. 142, tit. 2, tit. 2(1) & tit. 17 (N.Z.), <http://www.legislation.govt.nz/act/public/1999/0142/latest/whole.html#DLM50408> (prohibiting “restricted surgical procedures,” including declawing, unless veterinarian has “first satisf[ied] himself or herself that the performance of that procedure is in the interests of the animal”).

<sup>76</sup> Tierschutzgesetz [TSchG] [Animal Protection Law], March 9, 1978, SR 455, art. 22(2)(g) (Switz.) (prohibiting declawing), available at <http://pferde.your-freelancer.ch/pdf/SchweizerTierschutzgesetz.pdf>.

<sup>77</sup> See N.S.W. Prevention of Cruelty to Animals Act 1979, Sect. 12(1)(d), available at <https://www.legislation.nsw.gov.au/inforce/af92116f-7d2d-60a9-f731-9dacdd705d05/1979-200.pdf>; N.S.W. Prevention of Cruelty to Animals Regulation 2012, Reg. 22, available at <https://www.legislation.nsw.gov.au/~view/regulation/2012/408/part3/sec22> (prohibiting declawing unless veterinary practitioner is provided with declaration at “all [other] reasonable steps . . . have been taken without

Convention for the Protection of Pet Animals also proscribes the procedure.<sup>78</sup> Jurisdictions at the national, state, and local level have likewise banned or restricted declawing procedures for non-medical purposes. For instance, in 2003 the City of West Hollywood became the first city in the country to enact a law prohibiting declawing or tendonectomy operations “except when necessary for a therapeutic purpose.”<sup>79</sup> Los Angeles and San Francisco have passed similar laws,<sup>80</sup> as have five other California cities; and, unlike the proposed legislation, these laws potentially subject violators to criminal penalties.<sup>81</sup>

Still other cities in California have issued resolutions against the practice.<sup>82</sup> And in 2017, Denver, Colorado prohibited declawing.<sup>83</sup>

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success” and that “the cat will be destroyed unless its claws are removed”); Queensl. Animal Care and Protection Act 2001, Reg. 26, <https://www.legislation.qld.gov.au/view/pdf/2016-07-01/act-2001-064> (search = claw) (prohibiting declawing unless performed by a “veterinary surgeon” who “reasonably considers the removal is in the interests of the cat’s welfare”).

<sup>78</sup> European Convention for the Protection of Pet Animals 1992, art. 10, Sept. 13, 1987, CETS No. 125 (“prohibiting [s]urgical operations for the purpose of modifying the appearance of a pet animal or for other non-curative purposes,” including “declawing,” except “if a veterinarian considers non-curative procedure necessary either for veterinary medical reasons or for the benefit of any particular animal”), available at <http://conventions.coe.int/Treaty/EN/Treaties/Html/125.htm>.

<sup>79</sup> West Hollywood, Cal., MUNICIPAL CODE §§ 9.49.010, 9.49.020 (2014) (prohibiting declawing “except when necessary . . . to address the medical condition of the animal”); Carla Hall, *Cats Gain Right to Keep and Bare Claws in W. Hollywood*, LOS ANGELES TIMES, May 5, 2003, <http://articles.latimes.com/2003/may/05/local/me-declaw5>.

<sup>80</sup> See Berkeley, Cal., MUNICIPAL CODE § 10.04.145 (2014) (prohibiting declawing “except when necessary . . . to address the medical condition of the animal . . . that compromises the animal’s health”); Beverly Hills, Cal., MUNICIPAL CODE §§ 5-2-601, 5-2-602 (2014) (same); Burbank, Cal., MUNICIPAL CODE § 5-1-1501 (2014) (same); Culver City, Cal., MUNICIPAL CODE § 9.01.600 (2014) (same); Los Angeles, Cal., MUNICIPAL CODE § 53.72 (2014) (same); San Francisco, Cal., HEALTH CODE § 45 (2014) (same); Santa Monica, Cal., MUNICIPAL CODE § 4.04.275 (2014) (same).

<sup>81</sup> Berkeley, Cal., MUNICIPAL CODE § 10.04.145.B (providing that violation may be prosecuted as misdemeanor punishable by fine up to \$1,000, imprisonment for 6 months, or both); Beverly Hills, Cal., MUNICIPAL CODE §§ 1-3-101.B, 1-3-106 (providing that violation may be prosecuted as misdemeanor punishable by fine up to \$1,000, imprisonment up to 6 months, or both); Burbank, Cal., MUNICIPAL CODE § 5-1-1501.C (deeming violation misdemeanor punishable by fine up to \$1,000, imprisonment in the county jail up to 6 months, or both); Culver City, Cal., MUNICIPAL CODE §§ 9.01.600.B, 1.01.040 (providing that violation may be prosecuted as misdemeanor punishable by fine up to \$1,000, imprisonment up to 6 months, or both); Los Angeles, Cal., MUNICIPAL CODE § 11.00(m) (providing that violation may be prosecuted as misdemeanor punishable by fine up to \$1,000, imprisonment in the county jail up to 6 months, or both); San Francisco, Cal., HEALTH CODE § 45(c) (deeming violation misdemeanor punishable by fine up to \$1,000.00, imprisonment in the county jail up to 6 months, or both); Santa Monica, Cal., MUNICIPAL CODE § 4.04.275(c) (deeming violation misdemeanor punishable by fine up to \$500, imprisonment of 6 months, or both).

<sup>82</sup> Malibu, Cal., City Council Resolution No. 03-34 (2003) (“oppos[ing] the use of onychectomy (‘declawing’) or flexor tendonectomy procedures by animal owners and veterinarians in the City of Malibu”), available at <https://pawproject.org/pdfs-legislation/Copy%20of%20Malibu%20Resolution.pdf>; Marin County, Cal., Board of Supervisors Resolution No. 2009-141 (2009) (“stat[ing] our general opposition to the practice of onychectomy in our community and encourag[ing] our local doctors of veterinary medicine to discourage the practice with vigor”), see Marin Independent Journal, *Marin Urges State to Ban Declawing* December 15, 2009 (Updated July 19, 2018) available at <https://www.marinij.com/2009/12/15/marin-urges-state-to-ban-cat-declawing/>.

<sup>83</sup> Denver, Co. Code of Ordinances § 8-141.

California also has a statewide ban generally prohibiting declawing of “exotic or native wild cat species.”<sup>84</sup> And, on the national level, the U.S. Department of Agriculture has issued a notice and policy statement declaring that declawing wild or exotic carnivores is “no longer considered to be appropriate veterinary care” and is prohibited under the Animal Welfare Act.<sup>85</sup> As of the date of this report, New Jersey, Massachusetts, California, Rhode Island, and West Virginia each have a pending bill that would ban declawing for non-therapeutic purposes.<sup>86</sup>

## V. CONCLUSION

For the reasons above, the Committee approves the proposed legislation.

Animal Law Committee  
Christopher Wlach, Chair

Reissued June 2019

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<sup>84</sup> CAL. PENAL CODE § 597.6 (2015); *see also* Cal. Penal Code § 597.6(b) (deeming violation misdemeanor punishable by fine of \$10,000, imprisonment in county jail up to 1 year, or both).

<sup>85</sup> Information Sheet on Declawing and Tooth Removal, U.S. Dep’t of Agric. (Aug. 2006), *at* [http://www.aphis.usda.gov/animal\\_welfare/downloads/big\\_cat/declaw\\_tooth.pdf](http://www.aphis.usda.gov/animal_welfare/downloads/big_cat/declaw_tooth.pdf). *See also* 9 C.F.R. §§ 2.1(e), 2.11 (punishing violation by denial, suspension or revocation of dealer/exhibitor license); 7 U.S.C. §§ 2149(a),(b) (imposing civil penalty up to \$10,000).

<sup>86</sup> New Jersey Legislature, A347/S1209 (2018-19), <https://www.njleg.state.nj.us/bills/BillView.asp?BillNumber=S1209>; Massachusetts General Court, SD2180 (2019) <https://malegislature.gov/Bills/191/SD2180>; California Legislature, AB-1230 (2019-20), [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1230](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1230); Rhode Island General Assembly, H5073 (2019), <http://webserver.rilin.state.ri.us/BillText/BillText19/HouseText19/H5073.pdf>; West Virginia Legislature, HB2119 (2019), [http://www.wvlegislature.gov/Bill\\_Status/bills\\_text.cfm?billdoc=hb2119%20intr.htm&yr=2019&sesstype=RS&i=2119](http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb2119%20intr.htm&yr=2019&sesstype=RS&i=2119).