

AMENDED IN SENATE MARCH 10, 2021

SENATE BILL

No. 585

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Introduced by Senator Jones Stern

February 18, 2021

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~~An act to amend Section 1502.5 of the Health and Safety Code, relating to care facilities. An act to add Section 31755 to the Food and Agricultural Code, relating to animals.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 585, as amended, Jones Stern. ~~Community care facilities. Cats: declawing procedures: prohibition.~~

*Existing law prohibits a person from performing, or otherwise procuring or arranging for the performance of, surgical claw removal, declawing, onychectomy, or tendonectionomy 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, except solely for a therapeutic purpose.*

*This bill would prohibit a person from removing or disabling a cat's claws by performing a declawing procedure, as defined, except when a phalangectomy is performed solely for a therapeutic purpose, as specified. The bill would require a licensed veterinarian who performs a phalangectomy for a therapeutic purpose to file a written statement, with the Veterinary Medical Board, as specified. The bill would impose on a person that removes or disables a cat's claws by performing a declawing procedure a civil penalty of not more than \$1,000 for the first violation, \$1,500 for the second violation, and \$2,500 for the third and subsequent violations, as specified. The bill would impose on a*

*licensed veterinarian that fails to file the written statement a civil penalty of not more than \$200, and would provide that such conduct or performing a declawing procedure constitutes unprofessional conduct. The bill would authorize the Attorney General, a city attorney, and a county counsel to bring an action to impose these civil penalties. The bill would require a person, upon determining a licensed veterinarian potentially performed a declawing procedure, to notify the board of the potential violation, and would specify that a violation of this requirement is not a crime and is not subject to any civil or criminal penalty.*

~~The California Community Care Facilities Act provides for the licensure and regulation of community care facilities by the State Department of Social Services. The act specifically excludes a residential care facility for the elderly, as defined, from its provisions.~~

~~This bill would make technical, nonsubstantive changes to this exclusion.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

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

- 1     *SECTION 1. Section 31755 is added to the Food and*
- 2     *Agricultural Code, to read:*
- 3     *31755. (a) For purposes of this section, the following*
- 4     *definitions apply:*
- 5     *(1) "Cat" means an animal of the taxonomic family felidae,*
- 6     *except an animal that is a member of an exotic or native wild cat*
- 7     *species as defined in Section 597.6 of the Penal Code.*
- 8     *(2) "Declawing procedure" means an onychectomy, partial or*
- 9     *complete phalangectomy, partial digital amputation, tendonectomy,*
- 10    *or other procedure to alter a cat's toes, claws, or paws to prevent*
- 11    *the normal functioning of the cat's toes, claws, or paws.*
- 12    *"Declawing procedure" does not include the trimming of nonviable*
- 13    *claw husk or placing nonpermanent nail caps.*
- 14    *(3) "Licensed veterinarian" means a person licensed as a*
- 15    *veterinarian by the State of California.*
- 16    *(4) "Onychectomy" means a procedure in which a portion of*
- 17    *the paw of a cat is amputated to remove or disable a claw,*
- 18    *including, without limitation, procedures commonly referred to*
- 19    *as declawing.*

1     (5) *“Partial digital amputation” means a procedure for the*  
2 *excision of some or all of one or more of the phalanges of the paw*  
3 *of a cat.*

4     (6) *“Phalangectomy” means a procedure for the excision of*  
5 *one or more of the phalanges of the paw of a cat.*

6     (7) *“Tendonectomy” means a procedure in which the tendons*  
7 *to the limbs, paws, or toes of a cat are cut or modified so that the*  
8 *cat’s claws cannot function normally.*

9     (8) *“Therapeutic purpose” means for the purpose of addressing*  
10 *an existing or recurring infection, disease, injury, or abnormal*  
11 *condition in the claw that jeopardizes the cat’s health and only*  
12 *when addressing that infection, disease, injury, or abnormal*  
13 *condition is determined by a licensed veterinarian to be a medical*  
14 *necessity. “Therapeutic purpose” does not include cosmetic or*  
15 *aesthetic purposes or the purpose of making a cat more convenient*  
16 *to keep or handle.*

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

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

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

28     (2) *The written statement shall include the purpose for*  
29 *performing the phalangectomy, identifying information for the cat,*  
30 *including its age, gender, markings, and microchip number, if*  
31 *applicable, a photo of the cat’s face, and the name, current*  
32 *address, and current phone number of the owner or keeper of the*  
33 *cat.*

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

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

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

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

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

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

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

11 (e) Upon determining a licensed veterinarian potentially violated  
12 subdivision (b), a person, including an entity enforcing this section,  
13 shall notify the Veterinary Medical Board of the potential violation.  
14 Notwithstanding Section 9, a violation of this requirement is not  
15 a crime and is not subject to any civil or criminal penalty.

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

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

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

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

32 ~~1502.5. Notwithstanding Section 1502, a residential care facility~~  
33 ~~for the elderly, as defined in Section 1569.2, shall not be considered~~  
34 ~~a community care facility, and shall be subject only to the~~  
35 ~~California Residential Care Facilities for the Elderly Act (Chapter~~  
36 ~~3.2 (commencing with Section 1569)).~~