

Prohibit Surgical Declawing of Cats

Current:

NRS 574.050 Definitions. As used in NRS 574.050 to 574.200, inclusive:

4. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Purpose:

To prevent animal cruelty, suffering and death from cosmetic declawing procedures. This bill proposal is an anti-cruelty measure. Declawing is inhumane and unnecessary. It is an invasive procedure that can have lasting physical consequences on the cat and can cause pain, bleeding, infection and involves amputating the last bone of each toe on the cat. Declawing is medically unnecessary and is almost solely for human benefit only. This applies to domestic and exotic cats.

Support:

- (32) countries have laws in place that make declawing illegal
- California, New Jersey and New York are the latest US States that have passed bills to ban this horrific practice
- See attached bill draft proposal language

Proposed legislative action:

1. Revise NRS 574.050(5) that addresses torture or cruelty to prohibit veterinarians from performing this procedure when not medically necessary.

Welfare concerns: Declawing is seen by many as a quick fix for unwanted scratching by cats and ruining furniture. However, these invasive procedures are, in most instances, medically unnecessary and can cause lasting physical problems and other consequences for cats. The most popular method of declawing, onychectomy, involves amputating the last bone of each toe on a cat's paw with a scalpel, guillotine or laser. A second procedure, flexor tendonectomy involved severing the tendon that controls the claw in each toe, so that the cat keeps its claws, but cannot flex or extend them. These procedures can and do cause pain in the cat's paw, bleeding, lameness, infection and other painful symptoms. These symptoms, while eliminating scratching furniture, make a cat less likely to use its litter box. Consequently, declawing should never be used except in rare cases, when it is absolutely necessary for therapeutic purposes only, such as removal of cancerous tumors. Nontherapeutic declawing procedures are inhumane and, by definition, serves no legitimate medical purpose, performing such procedures is not a "portion" of the practice of veterinary medicine. Because this bill is an anti-cruelty measure and is not directed solely to veterinarians, but to any person who authorizes or performs such procedures, including the owner of the animal, it imposes additional licensing conditions or qualification as a requirement. By definition "surgery" is the "treatment of disease, injury, or deformity by manual or instrumental operations," quoting Webster's New Universal Unabridged Dictionary, as well as citing similar definitions from a variety of standard, legal and medical dictionaries. This bill would identify that the declawing procedure, not only on domesticated cats or animals but also in relation to wild or exotic cats, is an intentional unprofessional act of animal cruelty.

³ "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Cruelty to Animals

NRS: Chapter 574.050

As discussed above, performing either procedure, onychectomies or flexor tendonectomies, whether necessary or not necessary for therapeutic purposes, is currently part of veterinary medicine. Nonetheless, NRS 574.050i section 5, "torture" or "cruelty"³ includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. The very principles that the veterinary profession is to adhere to, a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles), the Golden Rule. This rule is an ethical guide to their general professional and personal conduct and they must abide by these ethical Principles. Professional behavior means their first consideration should be the patient, to relieve disease, suffering, or disability while minimizing pain or fear. These procedures do not follow the Golden Rule. Veterinarian professional responsibilities go beyond the patient and they should not be allowed to profit, by providing these cruel and unnecessary procedures as the health or welfare of the animal patient should always come first over the request of the animals' owner. Veterinarian's code of ethics should prevent them from providing these procedures; rather the focus is to relieve the suffering of animals with competence and compassion, not inflicting direct harm. Both of these procedures go against the very grain of the code of ethics. The veterinary medical profession must ensure the quality of health care services for all animals, not intentionally surgically perform amputation on animals, by performing onychectomies or flexor tendonectomies.

Many vets refuse to perform the surgery. Dr. Jennifer Conrad wrote in the Journal of the American Veterinary Medical Association (JAVMA) that "routine declawing (unlike sterilization) is never performed for the sake of the animal" and that as a veterinarian, she has "an obligation to do what is best for the animals and not what is most convenient for their owners."⁴ Dr. Melinda Merck does not perform declawing surgeries at her Georgia clinic, saying the process "is an amputation ... and it's awful."⁵ The Cat Practice in New York City tells its clients, "If you love your cat ... don't declaw!"⁶

LEGISLATION:

There are cities and towns throughout the country that have passed legislation banning declaw surgery. Nearly every state has had petitions and movements started by its citizens to get legislators to develop anti-declaw legislation. Some state lawmakers have introduced bills to ban declawing, but to date none have passed and been made into law.

Several municipalities in California ban declaw surgery. Berkeley, Beverly Hills, Burbank, Culver City, Los Angeles, West Hollywood, San Francisco and Santa Monica all have enacted declaw bans. In Colorado, state legislation has been proposed but not passed. However, the Denver City Council unanimously passed an ordinance in 2017 that prohibits the practice of declawing cats unless it is deemed medically necessary by a veterinarian.

New Jersey: The state Assembly voted in support of anti-declaw legislation in 2017. The bill must pass the state Senate in order to become law. This has yet to occur as of June 2018.

⁴ Jennifer Conrad, D.V.M., letter, Journal of the American Veterinary Medical Association, 223 (2003): 40-1.

⁵ Bob Keefe, "California City Considers Ban on Declawing Cats," Palm Beach Post, 2 Feb. 2003.

⁶ The Cat Practice, "If You Love Your Cat ..." Feline Health, last accessed

Cruelty to Animals

NRS: Chapter 574.050

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Nearly two-dozen countries—including England, Australia, and Japan—have prohibited or severely restricted veterinarians from performing the painful, permanently crippling, and mutilating procedure. The following is a list of countries in which declawing cats is either illegal or considered extremely inhumane and only performed under extreme circumstances:

- England
- Scotland
- Wales
- Italy
- Austria
- Switzerland
- Norway
- Sweden
- Ireland
- Denmark
- Finland
- Slovenia
- Brazil
- Australia
- New Zealand
- Serbia
- Montenegro
- Macedonia
- Slovenia
- France
- Germany
- Bosnia
- Malta
- Netherlands
- Northern Ireland
- Portugal
- Belgium
- Israel

SUMMARY:

Many veterinarians in the U.S. and abroad absolutely refuse to declaw cats. In fact, in Germany and some other parts of Europe, declawing is illegal. Cats who have been declawed experience extreme pain when coming out of anesthesia, have difficulty walking until their paws heal or have died from surgery complications. Cats' claws, the bones and cartilage that hold them in place allow cats to balance properly, climb, and defend themselves, among other functions. Declawing, which removes these claws, bones, and cartilage, is a painful and permanently crippling procedure that should never be performed. There are effective and humane alternatives to declawing that can prevent cats from inflicting damage with their claws. Without their claws, cats are virtually defenseless, which can lead to neurosis and even skin and bladder problems. After surgery, the nails may grow back inside the paw, causing pain but remaining invisible to observers. Declawing results in a gradual weakening of leg, shoulder, and back muscles, and because of impaired balance caused by the procedure, declawed cats have to relearn to walk, much as a person would after losing his or her toes. Many compassionate veterinarians refuse to declaw cats, even in areas where the procedure is legal, because declawing is cruel and of no benefit to cats—and it violates veterinarians' oath to "do no harm."

**PROPOSAL TO PROHIBIT DECLAWING OF A CAT THAT IS A
MEMBER OF AN EXOTIC OR NATIVE WILD CAT, IN THE
81st SESSION OF THE NEVADA LEGISLATURE**

The attached proposed legislation would add declawing of a cat that is a member of an exotic or native wild cat, to the list of acts prohibited under the provisions of Nevada Revised Statutes (“NRS”) 547.100 regarding torturing, overdriving, injuring or abandoning animals. The term declawing includes surgical claw removal, declawing, onychectomy, or tendonectomy. Violations of these provisions would be subject to the same penalties currently applied under NRS 547.100 (7)-(10).

The very principles that the veterinary profession is to adhere to, a progressive code of ethical conduct known as the Principles of Veterinary Medical Ethics (the Principles), the Golden Rule. This rule is an ethical guide to their general professional and personal conduct, and they must abide by these ethical Principles. Professional behavior means their first consideration should be the patient, to relieve disease, suffering, or disability while minimizing pain or fear. These procedures do not follow the Golden Rule. Veterinarian’s code of ethics should prevent them from providing these procedures; not intentionally surgically perform amputation on animals, by performing onychectomies or flexor tendonectomies.

Enactment of this legislation will ban the brutal archaic, inhumane and unnecessary practice of declawing, a painful procedure that can lead to many physical and behavioral problems for animals. Many compassionate veterinarians refuse to declaw cats, even in areas where the procedure is legal, because declawing is cruel and of no benefit to cats—and it violates veterinarians’ oath to “do no harm.” There are many US cities and towns throughout the country that have passed legislation banning declawing. In 2019, New York was the first state to sign legislation banning the performance of declawing. Twenty-eight countries have also made it illegal to perform such a crippling and mutilating procedures.

Dr. Jennifer Conrad wrote in the Journal of the American Veterinary Medical Association that “routine declawing (unlike sterilization) is never performed for the sake of the animal” and that as a veterinarian, she has “an obligation to do what is best for the animals and not what is most convenient for their owners.”¹ Dr. Melinda Merck does not perform declawing surgeries at her Georgia clinic, saying the process “is an amputation ... and it’s awful.”² The Cat Practice in New York City tells its clients, “If you love your cat ... don’t declaw!”³

¹ Jennifer Conrad, D.V.M., letter, Journal of the American Veterinary Medical Association, 223 (2003): 40-1.

² Bob Keefe, “California City Considers Ban on Declawing Cats,” Palm Beach Post, 2 Feb. 2003.

³ The Cat Practice, “If You Love Your Cat ...” Feline Health, last accessed 4 Aug. 2004.

**PROPOSED REVISIONS TO NRS CHAPTER 574 TO
TO PROHIBIT DECLAWING OF A CAT OR DOG THAT IS A MEMBER
OF AN EXOTIC OR NATIVE WILD CAT OR DOG SPECIES,
IN THE 2021 SESSION OF THE NEVADA LEGISLATURE**

NRS 574.100 Torturing, overdriving, injuring or abandoning animals; failure to provide proper sustenance; requirements for restraining dogs and using outdoor enclosures; horse tripping; penalties; exceptions.

1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) No person may perform, or otherwise procure or arrange 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, and shall not otherwise alter such a cat toes, claws, or paws to prevent the normal function of the cat toes, claws, or paws. This paragraph does not apply to a procedure performed solely for a therapeutic purpose.

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

(i) “Declawing” and “onychectomy” mean any surgical procedure in which a portion of the animal's paw is amputated in order to remove the animal's claws.

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

(iii) “Exotic or native wild cat species” include all members of the taxonomic family Felidae, except domestic cats (*Felis catus* or *Felis domesticus*) or hybrids of wild and domestic cats that are greater than three generations removed from an exotic or native cat.

(v) “Therapeutic purpose” means for the purpose of addressing an existing or recurring infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat health, where addressing the infection, disease, injury, or abnormal condition is a medical necessity.

(f) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(g) Abandon an animal in circumstances other than those prohibited in [NRS 574.110](#). The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, “feral cat” means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and [NRS 574.210](#) to [574.510](#), inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in [NRS 574.330](#), during the course of the veterinarian’s practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not

less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↳ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.