

AMENDED IN SENATE APRIL 2, 2018

**SENATE BILL**

**No. 1441**

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**Introduced by Senator Stern**  
*(Coauthor: Senator Wilk)*

February 16, 2018

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~~An act to amend Section 4803 of the Business and Professions Code, relating to healing arts. An act to amend Section 597.6 of the Penal Code, relating to animal cruelty.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1441, as amended, Stern. ~~Veterinary Medicine Practice Act. Animal cruelty: declawing.~~

*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. Existing law also 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 as specified, a person who violates these prohibitions is guilty of a misdemeanor.*

*This bill would make the protections of that prohibition applicable to domestic cats, as defined. The bill would make a violation of these prohibitions with a domestic cat an infraction punishable by a fine not to exceed \$250 for a first offense, and as a misdemeanor for a 2nd or subsequent offense. By creating a new 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.*

~~The Veterinary Medicine Practice Act provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the Governor to remove any member of the board for neglect of duty or other sufficient cause, after due notice and hearing.~~

~~This bill would make a nonsubstantive change to that provision.~~

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

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

1     SECTION 1. Section 597.6 of the Penal Code is amended to  
 2 read:

3     597.6. (a) (1) ~~No~~A person ~~may~~ shall not perform, or otherwise  
 4 procure or arrange for the performance of, surgical claw removal,  
 5 declawing, onychectomy, or tendonectomy on any cat that is a  
 6 member of an exotic or native wild cat species, and shall not  
 7 otherwise alter such cat’s toes, claws, or paws to prevent the normal  
 8 function of the cat’s toes, claws, or paws.

9     ~~(2) This subdivision does not apply to a procedure performed~~  
 10 solely for a therapeutic purpose.

11     ~~(b) Any~~

12     (2) A person who violates this ~~section~~ subdivision is guilty of a  
 13 misdemeanor punishable by imprisonment in a county jail for a  
 14 period not to exceed one year, by a fine of ten thousand dollars  
 15 (\$10,000), or by both that imprisonment and fine.

16     (b) (1) A person shall not perform, or otherwise procure or  
 17 arrange for the performance of, surgical claw removal, declawing,  
 18 onychectomy, or tendonectomy on any cat that is a member of a  
 19 domestic cat species, and shall not otherwise alter that cat’s toes,  
 20 claws, or paws to prevent the normal function of the cat’s toes,  
 21 claws, or paws.

22     (2) A person who violates this subdivision is guilty of an  
 23 infraction punishable by a fine not to exceed two hundred fifty

1 *dollars (\$250) for a first offense, and is guilty of a misdemeanor*  
2 *for a second or subsequent violation.*

3 *(c) This section does not apply to a procedure performed solely*  
4 *for a therapeutic purpose.*

5 *(d) This section does not prohibit the enforcement of a local*  
6 *ordinance that provides a more severe punishment for acts*  
7 *prohibited under this section.*

8 *(e)*

9 *(e) For purposes of this section, the following terms have the*  
10 *following meanings:*

11 (1) “Declawing” and “onychectomy” mean any surgical  
12 procedure in which a portion of the animal’s paw is amputated in  
13 order to remove the animal’s claws.

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

17 (3) “*Domestic cat species*” means *Felis Silvestris Catus, Felis*  
18 *Catus, or Felis Domesticus, or hybrids of those species and wild*  
19 *cats that are greater than three generations removed from an*  
20 *exotic or native cat.*

21 ~~(3)~~

22 (4) “Exotic or native wild cat species” include all members of  
23 the taxonomic family Felidae, except domestic cats (~~Felis catus~~  
24 ~~or Felis domesticus~~) ~~or hybrids of wild and domestic cats that are~~  
25 ~~greater than three generations removed from an exotic or native~~  
26 ~~cat.~~ *cats.* “Exotic or native wild cat species” include, but are not  
27 limited to, lions, tigers, cougars, leopards, lynxes, bobcats, caracals,  
28 ocelots, margays, servals, cheetahs, snow leopards, clouded  
29 leopards, jungle cats, leopard cats, and jaguars, or any hybrid  
30 thereof.

31 ~~(4)~~

32 (5) “Therapeutic purpose” means for the purpose of addressing  
33 an existing or recurring infection, disease, injury, or abnormal  
34 condition in the claw that jeopardizes the cat’s health, where  
35 addressing the infection, disease, injury, or abnormal condition is  
36 a medical necessity.

37 *SEC. 2. No reimbursement is required by this act pursuant to*  
38 *Section 6 of Article XIII B of the California Constitution because*  
39 *the only costs that may be incurred by a local agency or school*  
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*  
2 *for a crime or infraction, within the meaning of Section 17556 of*  
3 *the Government Code, or changes the definition of a crime within*  
4 *the meaning of Section 6 of Article XIII B of the California*  
5 *Constitution.*

6 ~~SECTION 1. Section 4803 of the Business and Professions~~  
7 ~~Code is amended to read:~~

8 ~~4803. The Governor may, in his or her judgment, remove any~~  
9 ~~member of the board for neglect of duty or other sufficient cause,~~  
10 ~~after due notice and hearing.~~