To:   Honorable Mayor and Members of the City Council

From:   Mayor Jesse Arreguín, Councilmembers Susan Wengraf, Kriss Worthington, and Kate Harrison

Subject:   Support SB 1441 – Ban on Declawing

RECOMMENDATION
Adopt a Resolution Supporting SB 1441 (Stern), which will ban declawing and similar surgical procedures in California. Send a copy of the Resolution to State Senators Nancy Skinner and Henry Stern, Assemblymember Tony Thurmond, and Governor Jerry Brown.

BACKGROUND
The City of Berkeley has taken the lead on actions around declawing and other similarly cruel cosmetic procedures on pets. On November 4, 2003, the Council passed Resolution No. 62,281-N.S., titled “Deploring the Painful Non-Curative and Cosmetic Mutilation of Any Animals in the City of Berkeley”. The Council went a step further on November 10, 2009, passing Ordinance 7,119, which prohibited animal declawing in the City of Berkeley.

The Berkeley City Council has previously taken positions of support of state bills on similar topics. On June 22, 2010, Council passed Resolution No. 64,938-N.S., in support of AB 2743, which would have prohibited declawing or debarking of pets as a condition of tenancy. The bill was ultimately vetoed by Governor Schwarzenegger. In 2012, SB 1229 was introduced, which was a new version of the previous bill. The Council supported this in Resolution No. 65,644-N.S., and SB 1229 was chaptered into law.

SB 1441 would take what Berkeley and seven other cities throughout the state have already done and implement a statewide ban on declawing. Several other states are also currently considering similar bills as well. Multiple studies have shown the declawing often leads to health complications, increased pain, and increased aggressive behavior.

FINANCIAL IMPLICATIONS
None.

ENVIRONMENTAL SUSTAINABILITY
No environmental impacts.
Support SB 1441 – Ban on Declaring

CONTACT PERSON
Mayor Jesse Arreguín 510-981-7100

Attachments:
1: Resolution
2: Text of SB 1441
RESOLUTION NO. ##,###-N.S.

SUPPORT OF SB 1441 – STATEWIDE PROHIBITION ON DECLAWING

WHEREAS, declawing is a veterinarian procedure in which an animal’s claws are surgically removed by amputating the distal phalanx, or end bones, of the animal’s toes; and

WHEREAS, both physical and behavioral complications are common after the procedure, resulting in an increase in chronic pain and aggression; and

WHEREAS, Berkeley has historically been at the forefront of animal rights, having taken positions opposing declawing in 2003 and officially prohibiting it in 2009; and

WHEREAS, seven other jurisdictions in California have passed laws prohibiting this procedure and recognizing it as inhumane; and

WHEREAS, Berkeley has taken positions of support on state bills that prohibited declawing and debarking as a condition of tenancy, which became state law with the passage of SB 1229 in 2012; and

WHEREAS, SB 1441, introduced by State Senator Henry Stern, would implement a statewide ban on declawing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 1441.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to State Senators Nancy Skinner and Henry Stern, Assemblymember Tony Thurmond, and Governor Jerry Brown.
AMENDMENTS TO SENATE BILL NO. 1441

Amendment 1
In the heading, below line 1, insert:

(Coauthor: Senator Wilk)

Amendment 2
In the title, strike out lines 1 and 2 and insert:

An act to amend Section 597.6 of the Penal Code, relating to animal cruelty.

Amendment 3
On page 1, before line 1, insert:

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

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

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

(b) Any

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

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

(2) A person who violates this subdivision is guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars ($250) for a first offense, and is guilty of a misdemeanor for a second or subsequent violation.

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

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

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

(1) “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.
(2) “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.

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

(4) “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. “Exotic or native wild cat species” include, but are not limited to, lions, tigers, cougars, leopards, lynxes, bobcats, caracals, ocelots, margays, servals, cheetahs, snow leopards, clouded leopards, jungle cats, leopard cats, and jaguars, or any hybrid thereof.

(5) “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’s health, where addressing the infection, disease, injury, or abnormal condition is a medical necessity.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Amendment 4
On page 1, strike out lines 1 to 5, inclusive