

SENATE No. 222

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting inhumane feline declawing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/17/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/26/2021</i>

SENATE No. 222

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 222) of Mark C. Montigny, James B. Eldridge and Danillo A. Sena for legislation to prohibit inhumane feline declawing. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 169 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act prohibiting inhumane feline declawing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the General Laws is hereby amended by inserting after
2 section 174F the following section:-

3 Section 174G. (a) For the purposes of this section, the following words shall have the
4 following meanings:

5 "Board", the board of registration in veterinary medicine.

6 "Declawing" and "onychectomy" mean any surgical procedure in which a portion of the
7 cat's paw is amputated or the distal phalanx is removed in order to remove the animal's claws.

8 "Tendonectomy" means a procedure in which the tendons to a cat's limbs, paws, or toes
9 are cut or modified so that the claws cannot be flexed or extended.

10 “Therapeutic purpose” means for the purpose of addressing an existing or recurring
11 infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat’s health,
12 where addressing the infection, disease, injury, or abnormal condition is a medical necessity.
13 Therapeutic purpose shall not include the cat’s behavioral characteristics.

14 (b) No person shall perform, or cause to be performed, the declawing, onychectomy or
15 tendonectomy of a cat, unless the following apply:

16 (1) The person performing such declawing, onychectomy or tendonectomy is licensed
17 under section 55 of chapter 112; and

18 (2) Declawing, onychectomy or tendonectomy of a cat is for a therapeutic purpose as
19 defined under this section; or

20 (3) The person who causes a declawing, onychectomy or tendonectomy procedure to be
21 performed is relying upon the written opinion of a person licensed under section 55 of chapter
22 112 that declawing, onychectomy or tendonectomy of the cat is required for a therapeutic
23 purpose.

24 (c) A veterinarian who performs a declawing, onychectomy or tendonectomy procedure
25 on a cat shall keep a record of the procedure for a period of 4 years after the last contact with the
26 animal. This record shall include: the name and address of the animal's owner; the name and
27 address of the person from whom payment is received for the procedure; a description of the
28 animal, including its name, breed, date of birth, sex, color, markings and current weight; the date
29 and time of the procedure; the reason the procedure was performed; and any diagnostic opinion,
30 analysis or test results to support the diagnosis. These records shall be subject to audit by the
31 board.

32 Any person who performs a declawing, onychectomy or tendonectomy procedure on a
33 cat shall report the number of all such procedures to the board annually on or before March 30.
34 The board shall maintain all notices received under this subsection for 4 years from the date of
35 receipt.

36 Records maintained under this subsection shall not be considered a public record, as
37 defined in clause twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66, and these
38 records shall not be publicly disseminated.

39 (d) The board shall, annually on or before March 1, report to the joint committee on the
40 environment, natural resources and agriculture the number of animals that were the subject of
41 declawing, onychectomy or tendonectomy notices received under subsection (d).

42 (e) Whoever violates subsection (b) shall be punished by a fine of not more than \$1,000
43 for a first offense, by a fine of not more than \$1,500 for a second offense and by a fine of not
44 more than \$2,500 for a third or subsequent offense. In addition to said penalty, a court may
45 order that any person who violates this section shall successfully complete a course of instruction
46 relative to the humane treatment of animals or be barred from owning or keeping a cat or sharing
47 a residence with another who owns or keeps a cat for a period of time as determined by said
48 court.

49 (f) Whoever being licensed under section 55 of chapter 112 violates any provision of this
50 section shall be subject to the suspension or revocation of such license under section 59 of said
51 chapter 112 and 256 CMR 7.00.

52 (g) Nothing in this section shall preclude prosecution under section 77 of chapter 272.

53 (h) A city or town shall enforce this section through its animal control officers or police
54 officers in a manner consistent with the disposition provisions in section 21D of chapter 40.

55 SECTION 2. Section 137D of chapter 140, as appearing in the 2020 Official Edition, is
56 hereby amended by inserting in line 8, after the word “seventy-two” the following:- or
57 section 174G of chapter 140.