

STARTING FROM SCRATCH: A STUDY IN CLAWS AND CLAUSES IN CAT DECLAW LEGISLATION

“We can judge the heart of a man by his treatment of animals.”—Immanuel Kant¹

ABSTRACT

On July 22, 2019, New York became the first and only state to outlaw feline onychectomy (declawing), thrusting the declaw debate to the center of the country’s attention. It was a long time coming. Over 15 years earlier in 2003, West Hollywood, California was the first city in the United States to ban declawing, followed closely by eight other cities. Many veterinarian clinics refuse to perform the surgery, and multiple pet conscious organizations have been calling for the change for years. Following New York’s ban, several other states have developed similar declawing legislation. As it stands currently, however, declawing is legal in 49 states and may be required by landlords in 48 states.

This is a problem unique to the United States. While studies suggest approximately 60 percent of U.S. cat owners approve of declawing and nearly a quarter of all U.S. cats have undergone the procedure,² declawing has never been popular outside the United States and is considered animal cruelty nearly everywhere else in the world. This surge in legislation may represent a pointed change: the country is evolving as more accurate information on declawing becomes more available, and the U.S. attitude on cat declawing is surely shifting toward the international standard.

This Note details declawing as a procedure and examines all relevant local and state declawing legislation, including legislation on and federal protections granted to big cats such as lions and tigers, and legislation pertaining to landlords necessitating tenants’ cats be declawed as a condition of renting. While highlighting the arguments for bans, this Note also considers the countervailing theories against it and answers them in turn. Through this survey, the Author recommends a total ban on medically unnecessary declawing locally in Iowa and federally.

1. Immanuel Kant: *From LECTURES ON ETHICS*, S. METHODIST UNIV., <http://faculty.smu.edu/jkazez/animal%20rights/IMMANUEL%20KANT.htm> [https://perma.cc/T52C-G7PQ].

2. Claire Martin, *Cat Declawing: Once Routine, Procedure Now Draws Fire as Harmful*, DENVER POST (Apr. 28, 2016), <https://www.denverpost.com/2013/10/31/cat-declawing-once-routine-procedure-now-draws-fire-as-harmful/>.

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I. INTRODUCTION

Though the beloved animal likely needs no introduction, in the interest of establishing a universal starting point for the purposes of this Note, a cat is “any of a family (Felidae) of carnivorous usually solitary and nocturnal mammals (such as the domestic cat, lion, tiger, leopard, jaguar, cougar,

wildcat, lynx, and cheetah).”³ While briefly discussing big and exotic cats in Part III,⁴ this Note focuses primarily on domestic cats. Domestic cats are defined as “a carnivorous mammal (*Felis catus*) long domesticated as a pet and for catching rats and mice.”⁵

The very definition alludes to the long history of the domestic cat.⁶ Humans and cats initially fashioned a symbiotic partnership as early as 12,000 years ago.⁷ Around that time, the general culture changed—hunters became settlers and, making use of productive lands such as the Fertile Crescent, agricultural civilizations began to prosper.⁸ The new agricultural growth and food storages attracted vermin and mice; in turn, the vermin and mice attracted cats.⁹ Cats, of course, are miniature hunters equipped with sharp teeth and claws, perfectly designed to solve the problem.¹⁰ A partnership was born: “[t]he cats were delighted by the abundance of prey in the storehouses; people were delighted by the pest control.”¹¹ Mutually beneficial, the relationship thrived and grew as mere tolerance for a job well done transformed into genuine reverence.¹² Cats had a natural tame temperament along with attractive features and an inherent sociability; humans developed a deep admiration for the animal.¹³ As a result, the cat became domesticated over time.¹⁴

3. *Cat*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/cat> [<https://perma.cc/TKC6-G2BH>].

4. *See infra* Part III.B.

5. *Cat*, *supra* note 3.

6. *See id.*

7. David Zax, *A Brief History of House Cats*, SMITHSONIAN MAG. (June 30, 2007), <https://www.smithsonianmag.com/history/a-brief-history-of-house-cats-158390681/> [<https://perma.cc/3MKL-W2L5>].

8. *Id.*

9. Carlos A. Driscoll, Juliet Clutton-Brock, Andrew C. Kitchener & Stephen J. O’Brien, *The Taming of the Cat*, SCI. AM., June 2009, at 68, 72.

10. Casey Smith, *Cats Domesticated Themselves, Ancient DNA Shows*, NAT’L GEOGRAPHIC (June 19, 2017), <https://www.nationalgeographic.com/news/2017/06/domesticated-cats-dna-genetics-pets-science/#close>.

11. Zax, *supra* note 7.

12. Driscoll et al., *supra* note 9, at 72.

13. *Id.*

14. Zax, *supra* note 7; *see also* Ferris Jabr, *Are Cats Domesticated?*, NEW YORKER (Oct. 23, 2015), <https://www.newyorker.com/tech/annals-of-technology/are-cats-domesticated> [<https://perma.cc/J4CT-NEZA>] (discussing whether cats are truly fully domesticated in the same sense that other animals like horses and dogs are).

Humans are no less pleased by the creatures now. Felines are among the most common and cherished pets in the world.¹⁵ Specifically, in the United States, cats are the second most popular house pet.¹⁶ Even so, the United States currently allows cats to be declawed.¹⁷ Declawing strips away an aspect of the animal we originally celebrated—the claw—one of the very reasons the relationship between cats and humans ever began and grew.¹⁸

II. THE CAT'S OUT OF THE BAG: THE WHATS AND WHYS OF DECLAWING

Declawing is a specialized operation, technical and not generally well known by the average person.¹⁹ There are several misconceptions and misinformed assumptions regarding the topic confusing the discussion.²⁰ To provide the appropriate and necessary foundation for a legal analysis of declawing, the next three subsections of this Note detail the procedure, the leading reasons behind its continued use, and readily available alternatives.

A. *The Whats*

Declawing, officially known as onychectomy, is defined simply as the “surgical excision of a fingernail or toenail.”²¹ The procedure is a bit more complex for felines, however. In the context of the procedure performed on cats, an onychectomy is the “surgical removal in felines of distal phalanges of all digits of forefeet, less commonly of hind feet. [The] procedure involves disarticulation of the P2/P3 junction and subsequent removal of entire P3

15. Smith, *supra* note 10.

16. Antonia Ćirjak, *The Most Popular Animals Owned as Pets in the US*, WORLDATLAS (Aug. 20, 2020), <https://www.worldatlas.com/articles/the-most-popular-pets-in-the-us.html> [<https://perma.cc/UC4L-N6L2>]. While fewer households have a cat than the more popular dog, the average cat owner has more cats than the average dog owner has dogs, perhaps suggesting cat owners have more affection than dog owners possess for their animal of choice. *Id.*

17. See Zax, *supra* note 7.

18. See *id.*

19. See discussion *infra* Part II.A.

20. See discussion *infra* Part II.B.

21. *Onychectomy*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/medical/onychectomy> [<https://perma.cc/3MVH-PWSC>].

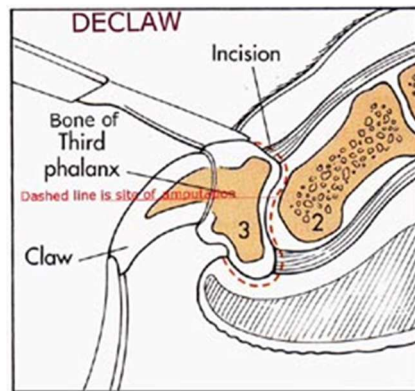


Figure 1: Visual of Declawing in Cats

bone, at the terminus of which the claw is seated.”²² Thus, the term “declaw” as we know it is a misnomer. Declawing is never just a “declawing.”²³ A cat’s claw is affixed to the third and last phalanx bone of the paw; thus, one cannot be removed without the other.²⁴ As the claw cannot be removed without also removing sections of bone, the procedure is actually a phalangectomy: “Excision of one or more of the phalanges of the hand or foot.”²⁵

While a hand and a paw are clearly different in many respects, the general bone composition is similar enough for declawing comparisons.²⁶ Both a cat’s paw and a human’s hand are composed of phalanges (singular phalanx), which are the “bones of the fingers and of the toes.”²⁷ Specifically, there are three phalanges—the distal, middle, and proximal phalanges.²⁸ In humans, these comprise the fingers of the hand; in cats, the digits of the

22. *Declawing*, FREE DICTIONARY, <https://medical-dictionary.thefreedictionary.com/declawing> [https://perma.cc/D6CQ-7WA3].

23. *Compare id.*, with *Phalangectomy*, FREE DICTIONARY, <https://medical-dictionary.thefreedictionary.com/phalangectomy> [https://perma.cc/NX3A-N58B] (contrasting the removal of a fingernail with the removal of a finger or toe).

24. *Literature Review on the Welfare Implications of Declawing of Domestic Cats*, AM. VETERINARY MED. ASS’N 1 (July 23, 2019), https://www.avma.org/sites/default/files/resources/declawing_bgnd.pdf.

25. *Phalangectomy*, *supra* note 23.

26. *Compare* Craig L. Taylor & Robert J. Schwarz, *The Anatomy and Mechanics of the Human Hand*, 2 ARTIFICIAL LIMBS, no. 2, 1955, at 22, 32 (describing the anatomy and general composition of the human hand), with Faith, *Watch Your Step: A Look into Feline Paws and Claws*, ANIMAL ALMANAC (Jan. 25, 2017), <https://animalalmanacblog.wordpress.com/2017/01/25/watch-your-step-a-look-into-feline-paws-and-claws/#more-3812> [https://perma.cc/GLL7-TCRA] (detailing the general anatomy of a cat’s paw and claws).

27. Melissa Conrad Stöppler, *Medical Definition of Phalanges*, MEDICINET, <https://www.medicinenet.com/script/main/art.asp?articlekey=4857> [https://perma.cc/A3LF-VPX8].

28. *Id.*

paw.²⁹ As declawing removes the third and last phalanx, the same procedure in humans would be the equivalent of amputating the finger at the distal knuckle.³⁰ Declawing is performed on each digit of at least the two front paws, though some declawing is done on all four paws; consequently, there are at least ten separate amputations performed.³¹

Declawing has several effects on felines which are both apparent and immediate, and latent and long-lasting.³² The instantaneous effect would be the pain from surgery; however, a cat's inherent nature may cloud the discussion: "Stoicism may be cats' greatest enemy in the declaw debate. Nobody declaws dogs . . . it's too painful. Dogs whine, scream, and howl; their pain is easy to recognize. But cats are quiet, and they characteristically endure pain without complaint."³³ While cats do feel pain, instead of displaying it externally for the world to see like dogs or humans, cats conceal their symptoms and hide in response to the vulnerability felt.³⁴ Notwithstanding a cat's dignified silence, the surgery is in fact painful.³⁵



Figure 2: Equivalent of Declawing in Humans

29. See *Declawing Cats: Far Worse than a Manicure*, HUMANE SOC'Y U.S., <https://www.humanesociety.org/resources/declawing-cats-far-worse-manicure> [https://perma.cc/C2D6-TDHR].

30. *Id.*; see *supra* pp. 679–80 (Figure 1, Figure 2); *Declawing Cats*, VANCOUVER ORPHAN KITTEN RESCUE, <http://www.orphankittenrescue.com/declawing-cats> [https://perma.cc/V9QW-QR8Z].

31. *Declawing Cats*, *supra* note 30; Faith, *supra* note 26. Most declawing is done on just the front paws, but of course, if the procedure is done on all four paws, the number of amputations would be doubled from ten to twenty.

32. *Declawing Cats: Far Worse than a Manicure*, *supra* note 29.

33. Jean Hofve, *Declawing and Science*, CAT NETWORK (Apr. 24, 2013), <http://catnetwork.org/wp-content/uploads/2018/01/Declawing-and-Science-by-Dr.-Jean-Hofve-DVM.pdf> [https://perma.cc/2ZGR-L73E] [hereinafter *Declawing and Science*].

34. See *The Truth About Declawing*, DECLAWING.COM, <https://www.declawing.com/the-truth-about-declawing> [https://perma.cc/5LAS-M8D8].

35. See *Declawing of Domestic Cats*, AM. VETERINARY MED. ASS'N, https://www.avma.org/sites/default/files/2019-11/2020W_Resolution3_Declawing_

Even after the procedure, because it is performed on a crucial part of the cat's paw, there is little chance for respite and recovery.³⁶ Cats use their paws and claws for just about everything, the most prevalent use being walking.³⁷ As digitigrade mammals, cats walk primarily on their toes rather than the soles of their feet.³⁸ After the claw is removed, the composition of the toe is drastically altered; accordingly, the cat has to relearn how to walk and balance on its toes again.³⁹ Even using the bathroom becomes problematic.⁴⁰ When using a traditional litter box, cats scratch within the provided litter material to form a hole, relieve themselves, and then fill the hole to cover it.⁴¹ Two of those three steps require extensive use of the paw.⁴² This simple process can cause extreme discomfort and pain after declawing but cannot be avoided in the average home without defecating on the floor, assuredly to their owners' chagrin.⁴³

When the pain from the initial operation passes, additional pain from complications may emerge. A number of physical difficulties may arise at any time after declawing, including but not limited to: nerve damage, hemorrhages, chronic back and joint pain, paw ischemia,⁴⁴ exposure

Atth1.pdf [https://perma.cc/6G37-CMDA] (asserting pain management for declawing is "imperative . . . necessary . . . and required").

36. See *The Truth About Declawing*, *supra* note 34.

37. See *Declawing Cats: Far Worse than a Manicure*, *supra* note 29.

38. *Legs, Feet, and Cursorial Locomotion*, ANIMAL DIVERSITY WEB, https://animaldiversity.org/collections/mammal_anatomy/running_fast/ [https://perma.cc/3SPG-UG25].

39. *The Truth About Declawing*, *supra* note 34.

40. See Peter Kintzer, *Declawing: The Medical Effects*, PET HEALTH NETWORK (June 3, 2015), <http://www.pethealthnetwork.com/cat-health/cat-surgery-a-z/declawing-medical-facts> [https://perma.cc/KVA3-N5FX].

41. See Matt Wildman, *Solving Litter Box Problems*, HUMANE SOC'Y U.S., <https://www.humanesociety.org/resources/solving-litter-box-problems> [https://perma.cc/XA8S-QJ8A].

42. *Id.*

43. See Kintzer, *supra* note 40. While toilet training felines has gained some popularity in recent years, the majority of cat homes still have a litter box setup.

44. Ischemia denotes issues in circulation in which blood cannot flow easily to parts of the body. Without blood flow, necessary oxygen is restricted which can lead to tissue damage. *Silent Ischemia and Ischemic Heart Disease*, AM. HEART ASS'N (July 31, 2015), <https://www.heart.org/en/health-topics/heart-attack/about-heart-attacks/silent-ischemia-and-ischemic-heart-disease> [https://perma.cc/KC45-8NGV].

necrosis,⁴⁵ general lameness, and infection.⁴⁶ Bone fragments from the amputation may remain in the paw, slowing down the already stressful healing process.⁴⁷ It is also not uncommon for the claw to grow back in a deformed fashion, eliciting major discomfort.⁴⁸

Beyond the mere physical implications, declawing can have serious psychological effects on felines. Some animal conscious groups do not recognize any serious mental side effects—the American Veterinary Medical Association (AVMA), for example, remains firm on asserting “[t]here is no scientific evidence that declawing leads to behavioral abnormalities when the behavior of declawed cats is compared with that of cats in control groups.”⁴⁹ A recent scientific study nonetheless concluded to the contrary.⁵⁰ There has been little scientific research on the topic, which likely contributes to the AVMA’s position, but according to a 2017 study done by feline medical center specialists, declawed cats do demonstrate measurable signs of averse psychological behavior when compared to felines who have not been declawed.⁵¹ Comparing 137 declawed cats and 137 non-declawed cats, the groups were examined for signs of pain and adverse behavioral signs such as aggression and biting.⁵² The study determined declawing and the related pain and discomfort that results from the procedure—even with appropriate pain management and optimal surgical

45. Necrosis simply means the death of bodily tissue. This results from insufficient blood circulation, like that occurring from paw ischemia. *Necrosis*, MEDLINEPLUS, <https://medlineplus.gov/ency/article/002266.htm> [<https://perma.cc/M9VN-NXNE>].

46. *The Truth About Declawing*, *supra* note 34.

47. *Id.*

48. *Id.*

49. *Declawing of Domestic Cats*, *supra* note 35. AVMA recently changed their declawing position insofar as the new policy discourages declawing but defers to the professional judgement of the veterinarian in each case; however, there is no mention of whether AVMA now recognizes any adverse effects of declawing. Greg Cima, *AVMA Revises Declawing Policy*, AM. VETERINARY MED. ASS’N (Feb. 12, 2020), <https://www.avma.org/javma-news/2020-03-01/avma-revises-declawing-policy> [<https://perma.cc/X6TB-YSJ4>]. The change was done in no small part in response to emerging local and state legislation on cat declaw explored in more depth in Part III of this Note. *See infra* Parts III.C, III.E.

50. *Declawing of Domestic Cats*, *supra* note 35.

51. Nicole K. Martell-Moran, Mauricio Solano & Hugh G.G. Townsend, *Pain and Adverse Behavior in Declawed Cats*, 20 J. FELINE MED. & SURGERY, no. 4, 2018, at 280.

52. *Id.* at 283. Of the total 274 cats in the study, 176 were owned cats and 98 were shelter cats; within the two groups, half of each were declawed and half were non-declawed.

methods—significantly increased the chances of “developing adverse behaviors, including biting, barbering, aggression and inappropriate elimination, as well as signs of back pain.”⁵³ While there are conflicting studies, the one detailed above is among the most recent and has the largest sample size, suggesting it may be one of the most credible.⁵⁴

B. *The Whys*

There are three focal reasons individuals declaw their cats: behavioral issues, fear of diseases from scratches, and adherence to living requirements.⁵⁵ It is important to highlight that nowhere among these reasons is the improved welfare of the feline in question; declawing has no medical benefits for cats.⁵⁶

1. *Avoiding Behavioral Issues*

The primary reason behind declawing is to avoid behavioral issues. Behavioral issues in this context generally refers to unwanted scratching—either scratching humans or more commonly, the furniture.⁵⁷ Surveys from veterinarians in southern California have suggested 95 percent of declawing occurs purely to protect furniture.⁵⁸ Clearly, as cats scratch with their claws, if there is no claw, then there can be no scratching. However, as discussed previously in Part II.A, adverse behaviors are likely to emerge in response to declawing.⁵⁹ 18 percent of declawed cats resort to biting without claws, which is obviously an unwanted repercussion if one is attempting to prevent

53. *Id.* at 287.

54. See, e.g., Seong C. Yeon, et al., *Attitudes of Owners Regarding Tendonectomy and Onychectomy in Cats*, 218 J. AM. VETERINARY MED. ASS'N, no. 1, 2001, at 43 (using a sample size of 39 declawed cats). This study, concluding significant behavioral changes were not present after surgery, did not compare declawed cats to clawed cats; instead, the owners of the cats were interviewed over telephone about their opinions on their cats and any perceived changed behavior. *Id.* As the interview happened over the phone, the researchers were never in contact with the studied cats. *Id.*

55. See *Declawing Cats: Far Worse than a Manicure*, *supra* note 29.

56. *Id.*

57. Jean Hofve, *The Whole Truth About Declawing Your Cat*, GLENDALE VETERINARY CLINIC (2010), <https://www.glendalevetclinic.com/images/declaw-fact-sheet.pdf> [<https://perma.cc/9HZ4-BCQZ>] [hereinafter *The Whole Truth*].

58. Jean Hofve, *The Cat Lover's Anti-Declawing Handbook*, LITTLE BIG CAT 7 (2020), <https://littlebigcat.com/wp-content/uploads/2020/03/ADHMarch2020.pdf>.

59. Martell-Moran et al., *supra* note 51, at 280.

the cat from hurting humans.⁶⁰ There are also unwanted side effects for those who wish to protect their home and the furniture within. Declawed cats are more likely to develop litter box problems as a result of the discomfort felt when using a litter box after surgery.⁶¹ Thus, while furniture may no longer be damaged by unattractive scratch marks, it may instead be soaked by urine or worse, stained by fecal matter.⁶²

2. In Fear of Spreading Diseases

Besides behavioral issues, cats may be declawed in an effort to avoid disease spreading.⁶³ It is a real possibility for a cat to infect a human with certain diseases from scratching.⁶⁴ The main disease connected to this concern is lymphoreticulosis, most commonly known as cat scratch fever or cat scratch disease.⁶⁵ The disease stems from *Bartonella henselae* bacteria, and if the cat is infected by the bacteria—about 40 percent of cats are infected at some point in their lifespan—the disease may be transferred to a human by a deep enough scratch (e.g., one that cuts through the skin and allows the bacteria to reach the bloodstream).⁶⁶ The disease itself is rare.⁶⁷

The thought is without claws, a cat cannot scratch a human and thus, cannot infect any human with the disease. However, diseases are more likely to occur from a bite.⁶⁸ Removing the claws removes a cat's first line of

60. *The Whole Truth*, *supra* note 57.

61. *See* Martell-Moran et al., *supra* note 51, at 280.

62. *Id.*

63. *See Cat Scratch Disease FAQs*, CDC (Mar. 31, 2021), <https://www.cdc.gov/bartonella/cat-scratch/index.html> [<https://perma.cc/6CM6-WUCA>].

64. *Bartonella Henselae Infection*, CDC (Jan. 17, 2020), <https://www.cdc.gov/healthypets/diseases/cat-scratch.html> [<https://perma.cc/CJV9-YVPS>]; *Lymphoreticulosis*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/medical/lymphoreticulosis> [<https://perma.cc/FWE2-HACT>].

65. *Bartonella Henselae Infection*, *supra* note 64.

66. *Id.*

67. *Id.* A study conducted through the CDC estimates 12,000 individuals are diagnosed with cat scratch disease each year in the U.S. and 500 are hospitalized. Christina A. Nelson, Shubhayu Saha & Paul S. Mead, *Cat-Scratch Disease in the United States, 2005–2013*, EMERGING INFECTIOUS DISEASES, Oct. 2016, at 1741, 1743–44.

68. *See* Steve Dale, *Declaw is an Unnecessary Amputation*, STEVE DALE PET WORLD (Nov. 13, 2018), <https://www.stevedalepetworld.com/blog/declaw-is-an-unnecessary-amputation/> [<https://perma.cc/RE39-ZRKZ>].

defense; therefore, a cat may be more likely to bite.⁶⁹ Consequently, the decision to declaw may come back and bite you. As such, the Centers for Disease Control and Prevention does not recommend declawing cats for prevention purposes.⁷⁰

3. *Adherence to Living Requirements*

Even those who otherwise would not want to declaw their cats may have to do so, depending on their living situation. Some apartments require any cats living with a tenant to be declawed, primarily to protect the property from scratching damage.⁷¹ Currently, 48 states allow landlords to require declawing as a condition of residency.⁷² “According to data from the 2015 American Housing Survey, there are nearly 48.5 million rental units in the United States, 43.9 million of which are occupied.”⁷³ Those numbers have only increased since then.⁷⁴ About 29 percent of Americans own a cat.⁷⁵ Thus, for millions in the United States, there comes a difficult choice. Shelter is a basic need; to force those with cats to choose between such a basic need and the welfare of a pet—a family member—is both inhumane and morally reprehensible. Only those living within California and Rhode Island are spared that impossible choice.⁷⁶

69. *Id.*

70. *Cat Scratch Disease FAQs*, *supra* note 63.

71. Jean Hofve & Judith Beggs, *Declawing Cats Required to Rent?*, LITTLE BIG CAT, <https://littlebigcat.com/declawing/declawing-cats-required-to-rent/> [<https://perma.cc/24DY-XVVD>].

72. *See* S.B. 1229, 2012 Leg., Reg. Sess. (Cal. 2012); S.B. 0177, 2013 Leg., Jan. Sess. (R.I. 2013). Out of the 50 states, only California and Rhode Island currently have laws forbidding this.

73. Todd M. Richardson, *Landlords*, U.S. DEP’T HOUS. URB. DEV., <https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-061118.html> [<https://perma.cc/BLR8-Q9ZS>].

74. *See United States Needs 4.6 Million New Apartments by 2030 or it Will Face a Serious Shortage*, NAT’L APARTMENT ASS’N (July 2017), <https://www.naahq.org/news-publications/units/june-2017/article/united-states-needs-46-million-new-apartments-2030> [<https://perma.cc/2K67-GHSV>].

75. Frank Newport, Jeffrey M. Jones, Lydia Saad & Joseph Carroll, *Americans and Their Pets*, GALLUP (Dec. 21, 2006), <https://news.gallup.com/poll/25969/americans-their-pets.aspx> [<https://perma.cc/4JYX-TXSV>].

76. *See* S.B. 1229, 2012 Leg., Reg. Sess. (Cal. 2012); S.B. 0177, 2013 Leg., Jan. Sess. (R.I. 2013). However, as New York now has a ban on declawing statewide, living requirements in the state will likely reflect that change.

Proponents for the option to declaw warn outlawing the procedure would hurt cats more than help them.⁷⁷ As the primary reason behind declawing is to protect furniture, such advocates argue without the ability to declaw, more cats will be abandoned either in shelters or on the streets.⁷⁸ Nevertheless, the fact is most cats abandoned to shelters are already declawed.⁷⁹ Thus, it seems unlikely removing the option to declaw would have any significant effect on the number of abandoned cats.

On January 17, 2020, the Humane Society of Nelson County in Kentucky shared a real-life example on social media that specifically disproves the counterargument and highlights the need for declawing legislation.⁸⁰ Detailing a recent adoption of a cat, the society wrote:

His new owners decided that he should be declawed. They only had him for 1 week and within that 1 week, they adopted him, cut off his toes and then abandoned him at another shelter because he wouldn't use the litter box. He is in pain. His feet are swollen and his refusal to use a litter box maybe [sic] a permanent behavioral issue that could put his life in jeopardy.⁸¹

C. The Alternatives

For a cat, there is no alternative to scratching.⁸² Scratching is a natural, instinctual urge every cat possesses that serves multiple purposes.⁸³ Cats have scent glands between their paw pads that release pheromones by scratching, allowing a cat to mark its territory.⁸⁴ This allows them to fully stretch and flex their toes and claws and burn off excess energy.⁸⁵ Scratching

77. See, e.g., *Declawing (Onychectomy): NYSVMS Position*, N.Y. STATE VETERINARY MED. SOC'Y (May 24, 2019), <https://vets.nysvms.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=49979b37-6c4a-e2ec-3e47-e0516e3d2b76&forceDialog=0> [<https://perma.cc/F6NY-RDAU>].

78. *Id.*

79. *Declawing and Science*, *supra* note 33.

80. See Humane Society of Nelson County, FACEBOOK (Jan. 17, 2020), <https://www.facebook.com/ncanimalservices/posts/2657922067594732>.

81. *Id.*

82. See Daniel Q. Estep & Suzanne Hetts, *Why Cats Scratch*, CAT FANCY 1 (Mar. 1994), <https://www.oahs.org/pdf/Behavior/Cat/Declawing/Whyscratch.pdf>.

83. *Id.*

84. *Cats: Destructive Scratching*, HUMANE SOC'Y U.S., <https://www.humanesociety.org/resources/cats-destructive-scratching> [<https://perma.cc/5Z85-TF4W>].

85. *Id.*

also helps the cat shed the dead outer layer of the claw, an important aspect of claw maintenance.⁸⁶ Scratching simply feels good.

While scratching behaviors cannot be eliminated entirely, even by declawing, there are several readily available alternatives to declawing that can achieve the desired results without unnecessary surgeries to the cat.⁸⁷ Among these alternatives is behavioral training, which can be used to teach cats not to scratch in unwanted areas by providing appropriate places like scratching posts.⁸⁸ Even without training, a solution could be simply covering the cat's nails.⁸⁹ Nail caps are an inexpensive plastic covering which encase the nail without harming the cat and allows the cat to act in a natural way while providing protection for furniture and human skin.⁹⁰

There are also several physical methods of deterrence designed to stop cats from scratching furniture, carpet, and other undesirable places.⁹¹ These are generally things that are naturally unattractive to cats such as aluminum foil, sticky tape, avoidance sprays—usually with a citrus scent, unpalatable to a cat's sense of smell—and the like.⁹² Strategically placing these items on or around the furniture can stop unwanted scratching.⁹³ There are several different ways to avoid furniture damage for cat owners, all of which are readily available to the average person and generally inexpensive; declawing should not be among the list.

86. Estep & Hetts, *supra* note 82, at 1.

87. *Id.*

88. Martin, *supra* note 2.

89. *Cat Claw Caps and Covers*, ALL ABOUT CATS (Mar. 23, 2021), <https://www.wallaboutcats.com/cat-claw-covers> [<https://perma.cc/476T-9W65>].

90. *Id.* For pricing, see AMAZON, https://smile.amazon.com/YMCCOOL-Shinning-Adhesive-Applicator-Instruction/dp/B07CQGW5W/ref=sr_1_4?keywords=cat%2Bcaps&qid=1582412460&sr=8-4&th=1 (100 piece set for \$6.99 as of February 22, 2020). For more information on nail covers and common myths surrounding them see Danelle German, *5 Myths You Should Know About Cat Nail Caps*, NAT'L CAT GROOMERS INST. (Dec. 17, 2018), <https://nationalcatgroomers.com/nail-cap-myths/> [<https://perma.cc/QD K3-6EKE>].

91. *Cats: Destructive Scratching*, *supra* note 84.

92. *Id.*

93. *Id.*

III. MESS WITH THE LAW, GET THE CLAW: RELEVANT DECLAWING LEGISLATION

The next section of this Note focuses on the legislation pertaining to cat declawing. Part III.A compares the methodology used in the United States to a sampling of international attitudes on declawing and considers whether the United States is shifting towards those international practices. Part III.B considers big exotic cats such as lions and tigers, the protections in place against declawing practices on big cats, and whether those protections were “declawed” under the Trump administration. Part III.C focuses on domestic cats and the nine U.S. cities that have outlawed declawing outright, as well as the one city that restricts the practice. Part III.D highlights legislation on declawing cats specifically in relation to apartments and considers the moral implications of such a practice. Part III.E focuses on state legislation, considering the language of the bills between the one that has passed and those that are currently in the legislative process. Finally, Part III.F examines Iowa’s current actions in the sector and suggests a plan of action for the state to follow.

A. *Catfight: International Standards vs. U.S. Standards*

While declawing domestic cats is currently both legal in the United States federally and locally in the majority of U.S. states, internationally the story is completely different.⁹⁴ The practice is heavily restricted into virtual nonexistence, if not outright banned, in multiple countries.⁹⁵ In Australia, the practice is regulated by states on an individual basis, though in most states it is unilaterally banned.⁹⁶ The Australian Veterinary Association’s official policy on the matter is as follows:

Surgical procedures performed on companion animals primarily to provide a convenience or benefit to humans are not supported or recommended. The welfare of animals is paramount. . . . Surgical

94. See *Places Where Declawing is Illegal*, DECLAWING.COM, <https://www.declawing.com/countries-that-outlaw-declawing> [https://perma.cc/JA8P-2NDD].

95. *Id.*

96. See generally Tahlia McFarlane, *Declawing Cats*, ROYAL SOC’Y PREVENTION CRUELTY ANIMALS QUEENSL. (Dec. 1, 2020), <https://www.rspcaqld.org.au/blog/pet-care/declawing-cats> [https://perma.cc/3AJG-95HZ]. In South Wales, however, declawing is allowed if the only other alternative is euthanasia. 2018 June—*Prohibited Procedures*, VETERINARY PRAC. BD. N.S.W. (June 19, 2018), <https://www.vpb.nsw.gov.au/2018-june-prohibited-procedures> [https://perma.cc/6EWU-FGRB].

procedures such as declawing, routine dewclaw removal . . . are unacceptable unless necessary for safety, health or welfare reasons.⁹⁷

The Canadian Veterinary Medical Association condemns the practice “as unacceptable as it offers no advantage to the feline and the lack of scientific evidence leaves [the Association] unable to predict the likelihood of long-term behavioural and physical negative side-effects.”⁹⁸

Through the Council of Europe, several European countries formed the European Convention for the Protection of Pet Animals, a treaty signed in 1987 that, among detailing other animal rights and protections, banned declawing: “Surgical operations for the purpose of modifying the appearance of a pet animal or for other non-curative purposes shall be prohibited and, in particular . . . declawing and defanging.”⁹⁹

In the United Kingdom, declawing cats was rare even before legislation was introduced to enact an official ban as it was and still is considered animal cruelty; today, there is official legislation declaring the practice illegal in Britain.¹⁰⁰ In fact, the official ban may be simply a method of combatting U.S. attitudes on the subject and a response to the increasing number of U.S. citizens immigrating across the pond with declawed cats.¹⁰¹

Besides those countries specifically named and explored previously, declawing is also outlawed in 25 other countries: Scotland, Wales, Italy, Austria, Switzerland, Norway, Sweden, Ireland, Denmark, Finland, Slovenia, Brazil, New Zealand, Serbia, Montenegro, Slovenia, France, Germany, Bosnia, Malta, Netherlands, Northern Ireland, Portugal, Belgium, and Israel.¹⁰²

97. *Surgical Alteration of Companion Animals' Natural Functions for Human Convenience*, AUSTL.VETERINARY ASS'N (Aug. 3, 2018), <https://www.ava.com.au/policy-advocacy/policies/surgical-medical-and-other-veterinary-procedures-general/surgical-alteration-of-companion-animals-natural-functions-for-human-convenience/> [https://perma.cc/HU57-T9H9].

98. *Canadian Vet Association Now Opposes the Declawing of Cats*, CBC (Mar. 29, 2017), <https://www.cbc.ca/news/canada/cat-declawing-opposed-1.4046546> [https://perma.cc/UH4X-C4SY].

99. European Convention for the Protection of Pet Animals art. 10, Nov. 13, 1987, 1704 U.N.T.S. 107.

100. See Helier Cheung, *Cat Declawing: Should it be Banned, and Why Does it Happen in the US?*, BBC (June 6, 2019), <https://www.bbc.com/news/world-us-canada-48528968> [https://perma.cc/GA98-8WSJ].

101. See *id.*

102. *Places Where Declawing is Illegal*, *supra* note 94.

Within the last two decades, U.S. attitudes have begun to shift towards the international standard, judging by current legislation; perhaps in the next decade or so.¹⁰³ And when it does the United States will join the list of countries above as a proponent of animal rights and cat welfare.¹⁰⁴

B. Big Cats: Lions and Tigers, Oh My!

While the debate on declawing tends to focus primarily on domesticated cats, big cats such as lions, tigers, leopards, panthers, and others in that family are also susceptible to the practice and are therefore deserving of some discussion. Unlike their smaller, domestic counterparts, however, declawing big cats is currently illegal in the United States.¹⁰⁵

Under a California law which became effective in 2004, declawing an exotic cat is considered animal cruelty. The law makes it a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine of [\$10,000], or by both . . . [to] declaw[] . . . any cat that is a member of an exotic or native wild cat species, as defined.”¹⁰⁶ Under this law, exotic cats are defined as “all members of the taxonomic family Felidae, except domestic cats. . . .”¹⁰⁷ It is of interest to note the process of declawing does not differ significantly when performed on a domestic cat versus an exotic one.¹⁰⁸ Declaring it animal cruelty for big cats while allowing it on domestic cats is an exercise in drawing arbitrary distinctions where none exist.

Two other states, Indiana and Michigan, have introduced legislation to prohibit declawing on big exotic cats unless required by a legitimate medical purpose for the animal.¹⁰⁹ This mirrors current legislation banning declawing

103. See N.Y. AGRIC. & MKTS. LAW § 381 (McKinney 2019).

104. See *id.*

105. *Information Sheet on Declawing and Tooth Removal*, USDA (Aug. 2006), https://web.archive.org/web/20060927143015/http://www.aphis.usda.gov/ac/publications/declaw_tooth.pdf [<https://perma.cc/KU49-9LXF>].

106. Assemb. B. 1857, 2004 Leg., Reg. Sess. (Cal. 2004).

107. *Id.*

108. See *PETA v. Wildlife in Need & Wildlife in Deed, Inc.*, No. 4:17-cv-00186, 2018 WL 828461, at *9 (S.D. Ind. Feb. 12, 2018) where Dr. Jenifer Conrad, plaintiff’s expert witness, admits “there is very little difference between declawing a Big Cat and declawing a house cat.”

109. H.B. 1200, 121st Gen. Assemb., 2d Reg. Sess. (Ind. 2020); H.B. 4860, 100th Leg., Reg. Sess. (Mich. 2019). The Michigan bill was introduced in 2019, and on January 15, 2020, it was referred to the Committee on Ways and Means. *Michigan House Bill 4860*,

for domestic cats.¹¹⁰ Interestingly enough, while Michigan has proposed legislation to extend this protection to domestic cats as well,¹¹¹ Indiana does not. Thus Indiana has also seemingly drawn arbitrary lines in the sand, deciding declawing big cats is wrong while doing nothing for their smaller domestic counterpart.¹¹² Federally, big cats are protected against declawing by the United States Department of Agriculture (USDA).¹¹³ In August 2006, the USDA issued an information sheet on declawing and tooth removal, banning both of these practices on “nonhuman primates and captive wild or exotic carnivores, including, but not limited to, big cats. . . .” under the Animal Welfare Act (AWA).¹¹⁴ This restriction applies to “all AWA licensees (breeders, dealers, and exhibitors) and registrants (research facilities).”¹¹⁵ This protection is not absolute, however, as it controls only routine procedures: “[t]reatment of individual animals with documented medical problems as prescribed by the attending veterinarian is not subject to these restrictions.”¹¹⁶ Thus, while protecting the group of big and exotic cats, this ban does not necessarily protect the individual cat.¹¹⁷ Some unfortunate cats may fall through the cracks unless veterinarians as a whole disavow declawing or a stricter ban is enacted.

Besides the USDA ban, there is higher protection granted to endangered animals.¹¹⁸ Under the Endangered Species Act of 1973 (ESA), “other species of fish, wildlife, and plants have been so depleted in numbers

LEGISCAN, <https://legiscan.com/MI/bill/HB4860/2019>. The Indiana bill was introduced January 13, 2020 and referred to the Committee on Natural Resources the same day. *Indiana House Bill 1200*, LEGISCAN, <https://legiscan.com/IN/bill/HB1200/2020>.

110. Compare H.B. 1200, 122d Gen. Assemb., 1st Reg. Sess. (Ind. 2020) and H.B. 4860, 100th Leg., Reg. Sess. (Mich. 2019), with, e.g., N.Y. AGRIC. & MKTS. LAW § 381 (McKinney 2019).

111. See *infra* Part III.E.10.

112. See *PETA*, 2018 WL 828461 at *3 (“There is very little difference between declawing a Big Cat and declawing a house cat.”).

113. See *Information Sheet on Declawing and Tooth Removal*, *supra* note 105.

114. *Id.* The Animal Welfare Act provides minimum standards of care for animals in research, exhibition, transport, and by dealers. For more information, see *Animal Welfare Act*, NAT’L AGRIC. LIBR., <https://www.nal.usda.gov/awic/animal-welfare-act> [<https://perma.cc/HWB6-3NHF>].

115. See *Information Sheet on Declawing and Tooth Removal*, *supra* note 105. Of course, then, by definition, this does not apply across the board, but only to licensees and registrants which represents something of a gap in protections offered to big cats.

116. *Id.*

117. See *id.*

118. See Endangered Species Act of 1973, 16 U.S.C. §§ 1531–1544.

that they are in danger of or threatened with extinction” are granted special considerations “to provide a program for the conservation of such endangered species and threatened species. . . .”¹¹⁹

In recent years, the ESA has been interpreted broadly to affect declawing.¹²⁰ Per Section 9 of the ESA, it is illegal for any person to “take any such species” where “take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”¹²¹ In *PETA. v. Wildlife in Need & Wildlife in Deed, Inc.*, the court found declawing harms, wounds, and harasses the cat.¹²²

As further regulations by the U.S. Fish and Wildlife Service (FWS) define “harm” as “an act which actually kills or injures wildlife,” declawing constitutes a harm as it actually injures wildlife.¹²³ The term “wound” is not specifically defined within the act or FWS regulation, but the court reasoned it also applied to declawing as, logically, the word harass “would include the piercing or laceration of skin” and declawing necessitates lacerations to ligaments, nerves, and tendons in the cat’s paw.¹²⁴ “Harass,” by FWS regulation, means “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.”¹²⁵ Expert testimony offered by PETA demonstrated normal behavioral patterns of declawed cats are altered from the surgery as declawed big cats can no longer climb as they could before and the natural protection of claws is stripped away, limiting the cat’s options for defense.¹²⁶ Adopting that reasoning, the court determined declawing does harass big cats by disrupting normal behavioral patterns.¹²⁷ Finding sufficient evidence for harm, wound, and harassment,

119. *Id.*

120. *PETA v. Wildlife in Need & Wildlife in Deed, Inc.*, No. 4:17-cv-00186, 2018 WL 828461, at *6 (S.D. Ind. Feb. 12, 2018).

121. 16 U.S.C. § 1538; *id.* § 1532.

122. *PETA*, 2018 WL 828461 at *6–7.

123. *Id.* at *5.

124. *Id.* at *6–7 (citing *Graham v. San Antonio Zoological Soc’y*, 261 F. Supp. 3d 711, 751 (W.D. Tex. 2017)).

125. 50 C.F.R. § 17.3 (2006).

126. *PETA*, 2018 WL 828461 at *4.

127. *Id.*

the court declared declawing constituted a taking under the ESA and is, thus, an illegal act.¹²⁸

While this ruling effectively makes declawing big cats illegal, this protection is only for endangered or threatened species.¹²⁹ For big cats not on the list, or for cats that have been on the list but whose populations have increased to knock them off the list, there would be no protection.¹³⁰ Furthermore, this protection was at risk of diminishing under the Trump administration.¹³¹ In September 2019, the Trump administration announced economic factors would be considered in determining whether a species is endangered or threatened.¹³² This has also affected the protections granted to threatened species—previously, both endangered and threatened species were granted the same level of protection.¹³³ Now, protection for threatened species will not be uniform with that of endangered species, but rather decided on a case-by-case basis.¹³⁴ These changes were challenged by no less than 17 state attorneys general.¹³⁵ How this affects big cat declawing protections has yet to be seen, but as it stood, it seems those protections effectively lost their claws under the Trump administration. Fortunately, the

128. *Id.* at *6–7.

129. Endangered Species Act of 1973, 16 U.S.C. §§ 1531–1544.

130. *See id.* For a list of big cats and their respective International Union for Conservation of Nature (IUCN) status, see *Which Wildcats are Endangered or Threatened?*, BIG CAT RESCUE (July 10, 2011), <https://bigcatrescue.org/which-wildcats-are-endangered-or-threatened/> [https://perma.cc/9GC9-JSDS].

131. *See* Lisa Friedman, *U.S. Significantly Weakens Endangered Species Act*, N.Y. TIMES (Aug. 12, 2019), <https://www.nytimes.com/2019/08/12/climate/endangered-species-act-changes.html> [https://perma.cc/M53G-CZB2].

132. *Id.* According to the FWS, the standard between endangered and threatened species is “Endangered species are at the brink of extinction now. Threatened species are likely to be at the brink in the near future.” *What Is the Difference Between Endangered and Threatened?*, U.S. FISH & WILDLIFE SERV. (Mar. 2003), <https://www.fws.gov/midwest/wolf/history/e-vs-t.html> [https://perma.cc/WQ6A-2WMZ].

133. Jasmine Aguilera, *The Trump Administration’s Changes to the Endangered Species Act Risks Pushing More Species to Extinction*, TIME (Aug. 14, 2019), <https://time.com/5651168/trump-endangered-species-act/> [https://perma.cc/34AP-LP8B].

134. *Id.*

135. Darryl Fears, *The Trump Administration Weakened Endangered Species Act Rules—17 State Attorneys General Have Sued Over It*, WASH. POST (Sept. 25, 2019), <https://www.washingtonpost.com/climate-environment/2019/09/25/trump-administration-weakened-endangered-species-act-rules-today-state-attorneys-general-sued-over-it/> [https://perma.cc/396B-L2ZJ].

Biden administration has begun reversing the past wrongs to improve the environment and to support those who inhabit it, including big cats.¹³⁶

C. Domestic Cats: 9 Lives, 9 Cities (+1 Restriction)

While big cats enjoy some protections, their smaller, domestic counterparts are unprotected in most U.S. states and cities.¹³⁷ That is not to say, however, domestic cats are subject to declawing everywhere in the United States.¹³⁸ In fact there are currently nine cities in which declawing is illegal and one city in which declawing is restricted.¹³⁹ There is also one state where declawing is illegal, but that will be addressed in further detail later in Part III.E.¹⁴⁰

The first city to ban declawing in the United States was West Hollywood, California in 2003.¹⁴¹ The ordinance states as follows:

No person, licensed medical professional or otherwise, shall perform or cause to be performed an onychectomy (declawing) or flexor tendonectomy procedure by any means on any animal within the city, except when necessary for a therapeutic purpose. “Therapeutic purpose” means the necessity to address the medical condition of the animal, such as an existing or recurring illness, infection, disease, injury or abnormal condition in the claw that compromises the animal’s health. “Therapeutic purpose” does not include cosmetic or aesthetic reasons or reasons of convenience in keeping or handling the animal. In the event that an onychectomy or flexor tendonectomy procedure is performed on any animal within the city in violation of this section, each of the following persons shall be guilty of a violation of this section: (1) the person or persons performing the procedure, (2) all persons assisting

136. Alex Peterson, *Fixing the Trump-Era Rollbacks to the Endangered Species Act*, ENV’T ME. (Feb. 11, 2021), <https://environmentmaine.org/blogs/environment-america-blog/ame/fixing-trump-era-rollbacks-endangered-species-act> [https://perma.cc/3Z47-UU33].

137. See *Governor Cuomo Signs Legislation Banning Cat Declawing*, N.Y. STATE GOVERNOR (July 22, 2019), <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-banning-cat-declawing> [https://perma.cc/EYW4-YF6C].

138. See, e.g., W. HOLLYWOOD, CAL., MUN. CODE § 9.49.020 (2021).

139. See, e.g., *id.*

140. See N.Y. AGRIC. & MKTS. LAW § 381 (McKinney 2019).

141. See generally W. HOLLYWOOD, CAL., MUN. CODE § 9.49.020 (2021).

in the physical performance of the procedure, and (3) the animal guardian that ordered the procedure.¹⁴²

The city also outlined its findings and reasons behind adopting the ordinance.¹⁴³ These findings include declawing requiring “ten separate, painful amputations” which “rob[] an animal of an integral means of movement and defense.”¹⁴⁴ Moreover, there are high rates of complication, such as “excruciating pain, damage to the radial nerve, hemorrhage . . . necrosis, lameness, and chronic back and joint pain as shoulder, leg and back muscles weaken.”¹⁴⁵ The code also dispels the popular myth declawing makes cats less likely to be abandoned or euthanized by adopting the finding of a survey done by Forgotten Felines and Friends of Caddo Parish which found 70 percent of cats surrendered to shelters are already declawed.¹⁴⁶ Mindful of all the available alternatives to declawing “that involve no physical harm to the animal . . . includ[ing] training the pet to use a scratchpost, use of deterrent pheromone sprays, covering furniture, restricting the pet’s access to certain areas of the home, use of plastic nail covers, and more,” West Hollywood became a pioneer as it was the first city in the nation to outlaw declawing.¹⁴⁷

The ordinance was not without opposition, however.¹⁴⁸ The Cat Fanciers’ Association criticized the ban; though against it themselves, the association viewed declawing a personal and private choice to be decided exclusively between cat owner and veterinarian.¹⁴⁹ In 2005, the California Veterinary Medical Association (CVMA) challenged the new ordinance, asserting it infringed “on licensed professionals’ state-granted rights to practice within the scope of their licenses.”¹⁵⁰ The CVMA also emphasized the ordinance was preempted by both the California Veterinary Practice Act

142. *Id.*

143. *Id.* § 9.49.010.

144. *Id.*

145. *Id.*

146. *Id.*

147. *Id.*

148. *See* Cal. Veterinary Med. Ass’n v. City of W. Hollywood, 152 Cal. App. 4th 536 (Cal. Ct. App. 2007).

149. R. Scott Nolen, *California City’s Ban on Declawing Struck Down*, AM. VETERINARY MED. ASS’N (Jan. 1, 2006), <https://www.avma.org/javma-news/2006-02-01/california-citys-ban-declawing-struck-down> [<https://perma.cc/U3CC-BQPN>].

150. *CVMA Wins Lawsuit to Overturn West Hollywood Ban on Animal Declawing*, CAL. VETERINARY MED. ASS’N, <http://www.cvma.net/doc.asp?ID=2801>.

and the Business and Professions Code.¹⁵¹ At trial in the Los Angeles Superior Court, the court ruled the ordinance was preempted by section 460 of the Business and Professions Code.¹⁵² The aforesaid section provides, “No city or county shall prohibit a person, authorized by one of the agencies in the Department of Consumer Affairs by a license, certificate, or other such means to engage in a particular business, from engaging in that business, occupation, or profession or any portion thereof.”¹⁵³ As declawing was a common surgery performed within the scope of a veterinarian’s profession, the trial court declared the ordinance unlawful.¹⁵⁴ CVMA emerged victorious, and the ordinance was overturned by Judge James Allen Bascue on November 30, 2005.¹⁵⁵

On appeal, the city argued section 460 of the Business and Professions Code prohibited cities from creating additional licensing requirements, but it did not prohibit cities regulating the way those licensees performed their business.¹⁵⁶ Relying on the plain language of the code and the applicable legislative history, the appellate court reasoned: “The first sentence of section 460 is directed solely to local legislation that purports to prohibit *individuals* from engaging in a licensed occupation, not to regulation of the occupation itself.”¹⁵⁷ Therefore, local governments like the city of West Hollywood still retain their police powers in “ensur[ing] ‘the quality and character’ of the licensees’ work,” regardless of section 460.¹⁵⁸ West Hollywood’s ordinance banning declawing, the appellate court ruled, was a valid exercise of that police power.¹⁵⁹ The previous verdict was overturned, and the ordinance was reinstated in 2007.¹⁶⁰

151. Nolen, *supra* note 149.

152. *Cal. Veterinary Med. Ass’n*, 152 Cal. App. 4th at 545–46.

153. *Id.* at 549 (quoting CAL. BUS. & PROF. CODE § 460 (West 2020)).

154. *Id.*

155. *CVMA Wins Lawsuit to Overturn West Hollywood Ban on Animal Declawing*, *supra* note 150.

156. *Cal. Veterinary Med. Ass’n*, 152 Cal. App. 4th at 549–50.

157. *Id.* at 553.

158. *Id.* at 555 (quoting *City of San Francisco v. Boss*, 83 Cal. App. 2d 445, 451–52 (Cal. Dist. Ct. App. 1948)).

159. *Id.*

160. *See id.* at 562.

After losing on appeal, the CVMA spearheaded legislation to prevent any other city from passing ordinances like West Hollywood's.¹⁶¹ The bill read:

This bill [makes] it unlawful for a [city or county] to prohibit a healing arts licensee from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee, but [] prohibit[s] construing this provision to prohibit the enforcement of a local ordinance in effect prior to January 1, 2010, as specified. . .¹⁶²

The bill became law mid-2009, but it contained language prohibiting its own use against any ordinances in effect prior to 2010, leaving an unintentional multiple-month-wide gap of time for local cities to pass ordinances the new bill could not invalidate.¹⁶³

Seven California cities took the initiative and did just that.¹⁶⁴ Mirroring the language and morality of West Hollywood's ordinance, Los Angeles, San Francisco, Burbank, Santa Monica, Berkeley, Beverly Hills, and Culver City all passed local ordinances banning declawing.¹⁶⁵ All were in effect before January 1, 2010, and thus immune from the CVMA's legislation.¹⁶⁶ No other cities in California have outlawed declawing—as it stands, no other Californian municipality *can* ban it, per the CVMA's bill—so the CVMA has not been completely ineffective in its mission.¹⁶⁷

Outside of California, only one U.S. city has a comprehensive ban on declawing cats.¹⁶⁸ In Denver, Colorado, the law states: “(a) Except as provided in subsection (b) of this section, it shall be unlawful for any person to declaw a cat.”¹⁶⁹ The exception has three requirements: the surgery must

161. See *CVMA Commentary on Cat Declaw Bans*, CAL. VETERINARY MED. ASS'N, <https://cvma.net/government/legislative-issues/legislative-archives/cat-declaw/cvma-commentary-on-cat-declaw-bans/> [https://perma.cc/5WJD-6Y6K].

162. S.B. 762, 2009 Leg., Reg. Sess. (Cal. 2009).

163. See *id.*

164. See, e.g., L.A., CAL., MUN. CODE § 53.72 (2021).

165. *Id.*; S.F., CAL., ORDINANCE 237-09 (2009); BURBANK, CAL., MUN. CODE § 5-1-1501 (2021); SANTA MONICA, CAL., MUN. CODE § 4.04.275 (2021); BERKELEY, CAL., MUN. CODE § 10.04.145 (2021); BEVERLEY HILLS, CAL., MUN. CODE § 5-2-602 (2021); CULVER CITY, CAL., MUN. CODE, § 9.01.600 (2021).

166. See, e.g., CULVER CITY, CAL., MUN. CODE § 9.01.600 (2021).

167. See *CVMA Commentary on Cat Declaw Bans*, *supra* note 161.

168. See DENVER, COLO., MUN. CODE § 8-138 (2021).

169. *Id.*

be performed by a licensed veterinarian, anesthesia must be used during the surgery, and the surgery must be medically necessary.¹⁷⁰ The law goes on to detail appropriate medical needs—to treat physical illness, infection, or disease, for example—and specifically preempts declawing for human convenience.¹⁷¹

Though not an outright injunction, Norfolk, Virginia does have legislation restricting the practice.¹⁷² The ordinance reads:

It shall be unlawful for any person to cosmetically alter any companion animal. The only exception to this shall be for procedures performed under proper anesthesia, by a veterinarian licensed in the commonwealth. For purposes of this section, “tail docking”, “ear cropping”, “debarking” and “declawing” shall be considered cosmetic alterations.¹⁷³

While this does allow declawing, requiring a licensed veterinarian and anesthesia is a step towards better cat welfare, if only a small one.¹⁷⁴ Even when performed with anesthesia and by a professional, declawing can have devastating effects on a cat.¹⁷⁵ This restriction protects against amateurs butchering the procedure, but when the surgery itself is congruent to butchering, this restriction seems woefully inadequate.¹⁷⁶

D. Condemning Claws in Condos: The Paws Have It

As explored in Part II.B, one major reason behind declawing is adherence to rental living requirements.¹⁷⁷ Some apartments and other rental properties require tenants with cats to declaw them to protect furniture and the owner’s property investment.¹⁷⁸ This is essentially a balancing act between monetary interests and the welfare of a living being performed by a party with no interest in the animal (i.e., the landlord).¹⁷⁹ It is important to note renters with cats typically pay a cat rent—an extra

170. *Id.*

171. *Id.*

172. *See* NORFOLK, VA., CODE OF ORDINANCES § 6.1-78.1 (2021).

173. *Id.*

174. *Id.*

175. *See supra* Part II.A.

176. *See* NORFOLK, VA., CODE OF ORDINANCES § 6.1-78.1 (2021).

177. *See supra* Part II.B.

178. *See infra* pp. 701–02 (sample lease).

179. *See id.*

monthly fee for housing the animal—and have higher security deposits or an added pet deposit.¹⁸⁰

Two states currently have legislation forbidding landlords from requiring tenants with cats to declaw them.¹⁸¹ California—the pioneer in declawing matters for the country—was the first state to protect against the issue in 2012.¹⁸² That law forbids a property owner to:

- (1) Advertise, through any means, the availability of real property for occupancy in a manner designed to discourage application for occupancy of that real property because an applicant's animal has not been declawed or devocalized.
- (2) Refuse to allow the occupancy of any real property, refuse to negotiate the occupancy of any real property, or otherwise make unavailable or deny to any other person the occupancy of any real property because of that person's refusal to declaw or devocalize any animal.
- (3) Require any tenant or occupant of real property to declaw or devocalize any animal allowed on the premises.¹⁸³

180. See Lucas Hall, *The Definitive Guide to Renting with Pets*, COZY (Apr. 24, 2019), <https://www.landlordology.com/how-to-rent-to-tenantscozy.co/blog/the-definitive-guide-to-renting-with-pets/> [https://perma.cc/Y95M-HV8K].

181. See S.B. 1229, 2012 Leg., Reg. Sess. (Cal. 2012); S.B. 0177, 2013 Leg., Jan. Sess. (R.I. 2013). Massachusetts had pending legislation, An Act Relative to Prohibit Landlords from Requiring a Cat to Be Declawed, to do the same, but as of 2015, after a study order, no further action was taken. S.B. 613, 188th Leg., Reg. Sess. (Mass. 2014); H. Ord. 4455, 188th Leg., Reg. Sess. (Mass 2014).

182. See S.B. 1229, 2012 Leg., Reg. Sess. (Cal. 2012).

183. *Id.*

Likewise, Rhode Island has legislation with language mirroring the above bill almost exactly.¹⁸⁴ Beyond just protections against declawing, the bills also provide protection against required devocalization or de-howling, another important step towards overall better cat welfare. This is especially true considering it is not uncommon for landlords who require declawing to require devocalization as well since both scratching and excessive noise from the animal may be considered a nuisance.¹⁸⁵

184. S.B. 0177, 2013 Leg., Jan. Sess. (R.I. 2013).

185. Devocalization is beyond the scope of this Note. For more information, *see Devocalization Fact Sheet*, HUMANE SOC'Y VETERINARY MED. ASS'N, <http://www.humanesociety.org/sites/default/files/archive/assets/pdfs/hsvma/devocalization-fact-sheet-1.pdf> [<https://perma.cc/TN2T-Y5NF>]. For an example of a lease requiring both procedures, see the sample addendum below.

CAT LEASE ADDENDUM

Version 04/04/15

Addendum Date: _____ Manager: **MOZART MANAGEMENT**

Lease Date: _____ Apt. Code: _____

Customer: _____

Manager agrees to permit customer to modify the original lease by permitting customer to board one cat as follows:

Breed: _____ Color: _____ Age: _____ Name: _____

Weight Today: _____ lbs. Expected Weight One Year From Today: _____ lbs.

Height Today: _____ ins. Expected Height One Year From Today: _____ ins.

All the above information is to be supplied by the customer.

Height is from the ground to the highest point of the withers (shoulders).

Customer agrees that the cat will be:

- Neutered and a certificate of same provided.
- Declawed if required by Manager.
- Not more than 15 inches in height to the highest point of the withers.
- Not more than 25 pounds in weight.
- Kept on a leash of less than five (5) feet at all times when outside the apartment.
- Kept under the direct control of the Customer at all times.
- Not permitted to run in the public halls or anywhere on the premises.
- Curbed off the premises and not permitted to use the premises lawns, walkways, parking lots, etc. as a toilet facility.
- Not tied, or tethered, anywhere on the premises.
- Not permitted to howl to the annoyance of the other occupants or the manager of the building. This includes howling when someone comes to customer's apartment door, as well as when there is traffic in the public hall outside the apartment door.
- Not permitted to create any nuisance which would annoy the other occupants or the manager of the building.
- Kept with a fresh flea collar on at all times.
- Not permitted on the passenger elevators or in the first floor lobby at any time. When the service elevator is not available for use, the cat will be transported by using the south stairwell only. The service elevator will not be available for use at various times including when it is being used for a move-in or out. Parklane only.
- Moved using the south stairwell or the service elevator only. Parklane only.
- Not permitted in the fenced in area at the rear of the building at any time. Parklane only.

Customer agrees to maintain at all times a current Pennsylvania license and a rabies vaccination or booster certificate never more than one year old for the cat and will provide manager with copies of both.

Customer agrees to either board the cat elsewhere off the premises or have the cat surgically altered (de-howled) so it cannot howl, if the cat's howling cannot be controlled so it conforms to the above parameters.

Cat Lease Addendum, page 2

Customer agrees to board the cat elsewhere off the premises, if in the sole opinion of manager, the cat becomes a nuisance or grows higher or becomes heavier than the parameters set forth above.

Customer understands that the rent agreed to in the lease is higher than that on other comparable apartments in the building, and that this higher rent is the inducement offered to manager to permit the boarding of this cat. This higher rent is also to partially offset the additional management costs associated with having this cat in the apartment.

Customer further agrees that any damages to the apartment building, grounds, flooring, walls, trim, finish, tiles, carpeting, stains, etc., will be the full responsibility of the customer and customer agrees to pay all costs involved in restoring any damage to original new conditions. If, because of any such stains or chemicals to remove same, said damage is such that it will not remove, then customer agrees to pay the full cost and expense of replacing such materials.

Customer permits manager to inspect, weigh, and/or measure the cat at any time, and customer will make cat available for such inspection upon demand. Customer agrees to scrupulously adhere to the lease CLEANING section, permit manager to treat unit for pests or insects at any time, and hold manager harmless for the consequences of any such treatment.

Customer agrees to pay the monthly pet increment for the full term of the Lease Agreement notwithstanding the occupancy or non-occupancy by the authorized pet. The pet increment for the entire lease term is fully earned and is totally non-refundable and not available to be used as a credit, setoff, or counterclaim against anything other than the pet increment itself.

When unit is unoccupied, customer will confine cat to a cage, closet, or room separate from the room with the entry door with a "CAT INSIDE" sign on it to alert Manager's personnel. NEVER affix any sign to the entry door.

•
THERE ARE no other changes in the terms or conditions of the original lease and it will continue with like effect as though the modifications stated herein were included in and part of the original lease.

THIS MODIFICATION OFFER WILL BE NULL AND VOID AND WITHDRAWN IF NOT ACCEPTED AND SIGNED BY CUSTOMER AND DELIVERED TO MANAGER WITHIN FOUR (4) DAYS OF THE DATE OF THIS ADDENDUM AS WRITTEN ABOVE.

IN WITNESS WHEREOF, the parties to this lease addendum have hereunto set their hands and seals the day and year first above written.
•

MANAGER: _____

CUSTOMER: _____

CUSTOMER: _____

CUSTOMER: _____

CUSTOMER: _____

However, there are landlords and tenants with cats in every state in the United States.¹⁸⁶ Thus, the protections offered in just two states are inadequate for the situation at hand in the country, especially when the balancing act done by landlords is wrong to begin with. Requiring a tenant with a cat to declaw it in order to be able to rent is done simply to protect the apartment and the landlord's continuing property interest.¹⁸⁷ However, as noted above, tenants with cats usually are subject to higher security deposits, a special designated pet deposit, a monthly fee to house the cat (cat rent), or some combination thereof.¹⁸⁸ Accordingly, the landlord is collecting more money from that particular tenant as compared to a tenant without an animal, either up front or on a monthly basis.¹⁸⁹ That money should sufficiently protect the landowner's property interest, even if some property damage occurs from a cat's claws, and allow for any required property upkeep.¹⁹⁰ Requiring a declaw on top of those fees, then, is outrageous. No landlord's interest is served purely by declawing the cat, so if the interest at play, i.e., money, can be served without the surgery, then the surgery should not be required. Considering the procedure is painful and likely comes with unfortunate chronic aftereffects for the feline in question, it becomes a certainty that allowing landlords to demand the surgery is immoral.¹⁹¹

E. The States of Affairs

While declawing was first banned by a U.S. city in 2003, state legislation doing the same did not follow for over almost two decades.¹⁹² In fact, only just recently in 2019 was the historical feat accomplished.¹⁹³

1. New York

On July 22, 2019, New York became the first and only state to outlaw declawing when Governor Cuomo signed the momentous bill.¹⁹⁴ The legislation provides:

186. See Hall, *supra* note 180.

187. *Id.*

188. *Id.*

189. *Id.*

190. *Id.*

191. Martell-Moran et al., *supra* note 51, at 280.

192. See generally W. HOLLYWOOD, CAL., MUN. CODE § 9.49.010 (2021).

193. See *Governor Cuomo Signs Legislation Banning Cat Declawing*, *supra* note 137.

194. *Id.*

1. No person shall perform an onychectomy (declawing), partial or complete phalangectomy or tendonectomy procedure by any means on a cat within the state of New York, except when necessary for a therapeutic purpose. Therapeutic purpose means the necessity to address the physical medical condition of the cat, such as an existing or recurring illness, infection, disease, injury or abnormal condition in the claw that compromises the cat's health. Therapeutic purpose does not include cosmetic or aesthetic reasons or reasons of convenience in keeping or handling the cat.

2. Any person who performs an onychectomy, partial or complete phalangectomy or tendonectomy procedure on any cat within the state of New York in violation of the provisions of subdivision one of this section shall be punishable by a civil penalty not to exceed one thousand dollars.¹⁹⁵

While the language of the bill does not provide factual findings or rationales behind its existence or birth, the governor has made it clear why he signed the bill: "By banning this archaic practice, we will ensure that animals are no longer subjected to these inhumane and unnecessary procedures."¹⁹⁶ Thus, for much of the same reasons, both the ordinances of California and this state legislation passed.¹⁹⁷ This could be evidence the United States as a country is beginning to slant towards international attitudes of declawing and its prohibition.¹⁹⁸ That conclusion is supported in light of the multiple other states which have pending legislation that would criminalize declawing within their respective borders as well.¹⁹⁹

2. Rhode Island

Rhode Island Representatives O'Brien, Marshall, Williams, Serpa, and Lima introduced a bill on January 10, 2019 to illegalize declawing.²⁰⁰ While mirroring the language of New York's ban, allowing declawing only in the

195. N.Y. AGRIC. & MKTS. LAW § 381 (McKinney 2019).

196. *Governor Cuomo Signs Legislation Banning Cat Declawing*, *supra* note 137.

197. *Compare id.* (quoting Governor Cuomo's rationale behind signing the bill), *with* W. HOLLYWOOD, CAL. MUN. CODE § 9.49.010 (2021) (stating the city's factual findings on declawing)).

198. *See* Cheung, *supra* note 100.

199. *See, e.g.*, H.B. 5073, 2019 Leg., Jan. Sess. (R.I. 2019).

200. *Id.*

case of therapeutic purposes, the proposed legislation would also add another requirement.²⁰¹

Whenever a licensed veterinarian determines that an onychectomy or flexor tendonectomy is necessary for a therapeutic purpose, the veterinarian shall prepare and file a written statement with the department of environmental management setting forth the purpose for performing the procedure and providing the name and address of the owner or keeper of the animal, and provide a copy of that statement to the owner of the animal.²⁰²

Placing a larger burden on veterinarians to prepare and file reports would likely guarantee any declawing surgeries done are performed for the right reasons, tightening any potential gaps left in New York's law that lacks such a requirement.²⁰³ The proposed law also has more stringent punishments.²⁰⁴ While imposing a punitive fine of "not more than one thousand dollars," equal to New York's statutory fine, the perpetrator in Rhode Island may also be barred "from owning or possessing any animals, or living on the same property with someone who owns or possesses animals" for a court-determined time and be required to complete educational classes on humane animal treatment.²⁰⁵ The bill was scheduled for hearing and consideration on February 27, 2019, but on that date, the Committee recommended it be held for further study.²⁰⁶ That bill has since died from inactivity, but on February 18, 2021, a new, identical declawing bill was introduced, referred to the House Judiciary, and scheduled for consideration on March 3, 2021.²⁰⁷ On that date, the "[c]ommittee recommended the measure be held for further study."²⁰⁸

201. *Compare id.*, with N.Y. AGRIC. & MKTS. LAW § 381 (McKinney 2019).

202. H.B. 5073, 2019 Leg., Jan. Sess. (R.I. 2019).

203. *See id.*

204. *Id.*

205. *Id.*

206. *Rhode Island House Bill 5073*, LEGISCAN, <https://legiscan.com/RI/bill/H5073/2019>.

207. *Rhode Island House Bill 5616*, LEGISCAN, <https://legiscan.com/RI/bill/H5616/2021>.

208. *Id.*

3. California

California also has proposed legislation on the subject.²⁰⁹ California's pending bill would forbid any declawing procedure on a cat unless it is performed by a licensed veterinarian and the surgery is done for a "therapeutic purpose."²¹⁰ That therapeutic purpose would be statutorily defined as "for the purpose of necessity to address a physical medical condition of the animal such as an existing or recurring illness, infection, disease, injury, or abnormal condition in the animal's claw that compromises the animal's health" and expressly exclude simple human convenience.²¹¹ Unambiguously stated, "[i]t is the intent of the Legislature to prohibit a person from performing nontherapeutic declawing or related procedures that do not treat a physical medical condition affecting the animal."²¹² The bill had similar language to Rhode Island's proposed ban, requiring a written statement to the board detailing the approved purpose, but was altered to require the veterinarian to simply "record the therapeutic purpose in the animal's medical record."²¹³ This would likely be easier for the veterinarian to perform the procedure and allow lawful declaws to occur more quickly.²¹⁴

Unsurprisingly, the CVMA opposes the legislation. The CVMA fought to invalidate West Hollywood's ordinance in 2005 and spearheaded legislation in 2010 which would have preempted other cities from banning the practice.²¹⁵ The CVMA finds a particular issue in banning and labeling the surgery as cruel and allowing it only in cases in which the therapeutic needs of the cat is demonstrated, proposing situations in which the owner's need should be considered like "elderly patients on coumadin, immunosuppressed individuals[,] and autistic children."²¹⁶ The CVMA also formally opposed the bill on grounds the decision to declaw should be left solely in the hands of the veterinarian and the cat's owner.²¹⁷ Furthermore, the board voiced concerns on how banning the procedure could increase the

209. See Assemb. B. 1230, 2019 Leg., Reg. Sess. (Cal. 2019).

210. *Id.*

211. *Id.*

212. *Id.*

213. Compare *id.*, with H.B. 5073, 2019 Leg., Jan. Sess. (R.I. 2019).

214. *Id.*

215. See *supra* Part III.C.

216. *How the CVMA and the California VMB Stopped the Cat Protection Bill*, CITY THE KITTY (Apr. 21, 2019), <http://citythekitty.org/how-the-cvma-and-the-california-vmb-stopped-the-cat-protection-bill/> [https://perma.cc/M9VH-KLN8].

217. *Id.*

number of cats abandoned and “back alley procedures” wherein unskilled owners declaw the cat themselves while decreasing the number of cats adopted from shelters.²¹⁸

The bill was read the first time on February 21, 2019 and went through amendments and different committees before being postponed on April 9, 2019.²¹⁹ On April 23, 2019, the bill was held without recommendation; since then, no developments have been made.²²⁰ Because of this inactivity, the bill died on January 31, 2020 pursuant to Article IV, Section 10(c) of the California constitution,²²¹ which provides: “Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by January 31 of the second calendar year of the biennium may no longer be acted on by the house. . . .”²²² It is possible, however, similar legislation may be introduced in the future and passed within constitutional time limits.

4. *Massachusetts*

Massachusetts’s “Act Prohibiting Inhumane Feline Declawing” provides, “No person shall perform, or cause to be performed, the declawing, onychectomy or tendonectomy of a cat” except when the declawing would be performed by a licensed veterinarian for a therapeutic purpose, which like the other states’ proposed legislation refers to medical necessities on the part of the feline.²²³ This bill also has the reporting feature of Rhode Island’s proposed legislation but with a heightened information standard, specifying said record would have to include:

the name and address of the animal’s owner; the name and address of the person from whom payment is received for the procedure; a description of the animal, including its name, breed, date of birth, sex, color, markings and current weight; the date and time of the procedure; the reason the procedure was performed; and any diagnostic opinion, analysis or test results to support the diagnosis.²²⁴

218. *Id.*

219. *AB-1230 Veterinary Medicine: Declawing Animals*, CAL. LEGIS. INFO., http://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=201920200AB1230 [<https://perma.cc/22WH-HZ2D>].

220. *Id.*

221. *Id.*

222. CAL. CONST. art. IV, § 10(c).

223. S.B. 169, 191st Leg., Reg. Sess. (Mass. 2019).

224. *Compare id.*, with H.B. 5073, 2019 Leg., Jan. Sess. (R.I. 2019).

That record would be subject to audit by the board of registration in veterinary medicine.²²⁵ For individuals who violate this law, a fine of not more than \$1,000, then \$1,500, then \$2,500 would be applicable for the first, second, and third offense, respectively.²²⁶ Furthermore, the court may require the individual to undertake a humane animal treatment class or be banned from owning a cat or sharing a residence with someone who has cats.²²⁷ On January 16, 2020, after going through the Committee on Consumer Protection and Professional Licensure with a favorable report, the bill was referred to the Committee on Senate Ways and Means.²²⁸ As of January 5, 2021, the senate has taken no further action.²²⁹

5. *New Jersey*

A potential bill banning declawing was recently introduced in New Jersey on January 14, 2020.²³⁰ This bill is consistent with other proposed legislation on the topic, requiring a valid licensed veterinarian, a therapeutic purpose for the cat in question—the statement of the bill suggests declawing may be medically necessary “such as [for] the removal of cancerous tumors”—and a reporting feature to be filed with the Department of Health.²³¹ This reporting requisite does not expressly require all the characteristics Massachusetts’s bill does.²³² If passed, this bill would also amend New Jersey’s consolidated cruelty statutes and designate declawing officially as animal cruelty.²³³

The bill was introduced in the senate on January 27, 2020 and referred to the Senate Environment and Energy Committee.²³⁴ The committee voted on the bill with a result of three yeas and two non-votes on February 24,

225. S.B. 169, 191st Leg., Reg. Sess. (Mass. 2019).

226. *Id.*

227. *Id.*

228. *An Act Prohibiting Inhumane Feline Declawing*, MASS. LEG., <https://malegislature.gov/Bills/191/S169> [<https://perma.cc/5R7B-62S5>].

229. *Id.*

230. Assemb. B. 1087, 219th Leg., Reg. Sess. (N.J. 2020).

231. *Id.*

232. *Id.*

233. *Compare id.*, with S.B. 169, 191st Leg., Reg. Sess. (Mass. 2019).

234. *S920 Prohibits Surgical Declawing of Cats and Other Animals*, N.J. LEG., <https://www.njleg.state.nj.us/bills/BillView.asp>.

2020.²³⁵ On that same date, the bill was referred to the Senate Budget and Appropriations Committee.²³⁶

6. *Arizona*

The House of Representatives in Arizona also has relevant pending legislation.²³⁷ Introduced on January 23, 2020, the prohibition provides, “A veterinarian may perform or cause to be performed the declawing, onychectomy or tendonectomy of a cat only if the veterinarian is licensed pursuant to this chapter and the procedure is for a therapeutic purpose.”²³⁸ While the statute does not explicitly preclude convenience of handling as a therapeutic purpose, the provided definition of “addressing an existing or recurring infection, disease, injury or abnormal condition in the claw that jeopardizes an animal’s health and for which addressing the infection, disease, injury or abnormal condition is a medical necessity” leaves no ambiguity to the matter.²³⁹ The law only mentions veterinarians, not persons, so it seems the bill would also have the effect of outlawing any declaw performed by a non-licensed person.²⁴⁰ It is possible by mentioning only veterinarians the bill only regulates those declaws which have been performed by veterinarians and not those performed by unlicensed individuals; however, this suggestion would be inconsistent with the presumed legislative intent of protecting cats and other animals from unnecessary declaws.²⁴¹

If an appropriate medical necessity is present and the onychectomy must be performed, the veterinarian has a recording requirement like that of Massachusetts, requiring the veterinarian maintain a record for at least four years that contains “[t]he name and address of the cat’s owner,” “[a] physical description of the cat,” “[t]he date of the procedure,” “[t]he reason the procedure was performed,” and “any diagnostic opinions and analyses and test results that support the diagnostic opinion.”²⁴² The penalties also match, at least for the first two offenses.²⁴³ The Arizona law would subject

235. *Id.*

236. *Id.*

237. H.B. 2537, 54th Leg., 2d Reg. Sess. (Ariz. 2020).

238. *Id.*

239. *Id.*

240. *See id.*

241. *See id.*

242. *Compare id.*, with S.B. 169, 191st Leg., Reg. Sess. (Mass. 2019).

243. *Compare* H.B. 2537, 54th Leg., 2d Reg. Sess. (Ariz. 2020), *with* S.B. 169, 191st

violators to a fine of \$1,000 for the first offense and \$1,500 for a second offense; at the third offense, however, this law goes beyond Massachusetts's bill and suspends or revokes the license of the violating veterinarian for the third or subsequent offense.²⁴⁴ Massachusetts's bill, in comparison, does not necessitate suspension or license revocation but instead specifies a licensed person who violates the law shall be subject to a suspension or revocation.²⁴⁵

After its introduction on January 23, 2020, the bill was assigned to several House of Representatives committees: the Commerce Committee, the Land and Agricultural Committee, and the Rules Committee.²⁴⁶ The bill was read for a second time in the House on January 27, 2020.²⁴⁷ That bill has since died, but on February 1, 2021, an identical bill was introduced to the House and is now at the same status its predecessor reached before its untimely death.²⁴⁸

7. Florida

In Florida, a bill pertaining to cat declaws was filed in the senate on August 2, 2019.²⁴⁹ This proposed law states in pertinent part: "A person may not perform a declawing by any means on a cat within this state unless the procedure is necessary for a therapeutic purpose."²⁵⁰ This bill defines therapeutic purpose as "the necessity of addressing the physical medical condition of a cat. . . ."²⁵¹ This, like many of the other proposed bills on the topic, expressly bans declawing for convenience.²⁵² While the purpose and

Leg., Reg. Sess. (Mass. 2019).

244. H.B. 2537, 54th Leg., 2d Reg. Sess. (Ariz. 2020).

245. S.B. 169, 191st Leg., Reg. Sess. (Mass. 2019).

246. *Arizona House Bill 2537*, LEGISCAN, <https://legiscan.com/AZ/bill/HB2537/2020>.

247. *Id.*

248. *Arizona House Bill 2626*, LEGISCAN, <https://legiscan.com/AZ/bill/HB2626/2021>.

249. C.S./S.B. 48, 122nd Leg., Reg. Sess. (Fla. 2020).

250. *Id.*

251. *Id.*

252. *Compare id.*, with, e.g., S. 169, 191st Leg., Sess. (Mass. 2019).

wording of the core portion of the bill mirror that of other states, the bill is unique in its reprimands, especially for veterinarians.²⁵³

If an unlicensed person violates this bill, he or she is subject to a fine of up to \$1,000 for each violation.²⁵⁴ The penalties are far more stringent on licensed veterinarians, however.²⁵⁵ Veterinarians are subject to disciplinary action by the Board of Veterinary Medicine; under the statute, the board may impose one or any combination of the following:

- (a) Denial of certification for examination or licensure[;]
- (b) Revocation or suspension of a license[;]
- (c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense[;]
- (d) Issuance of a reprimand[;]
- (e) Placement of the veterinarian on probation for a period of time and subject to such conditions as the board may specify, including requiring the veterinarian to attend continuing education courses or to work under the supervision of another veterinarian[;]
- (f) Restricting the authorized scope of practice[;]
- (g) Imposition of costs of the investigation and prosecution[;]
- (h) Requiring the veterinarian to undergo remedial education.²⁵⁶

Beyond the above listed rebukes, the bill also specifies, “All costs associated with compliance with any order issued under this subsection are the obligation of the veterinarian,” which can be seen as another punitive pecuniary penalty.²⁵⁷ After the appropriate sanction has been ordered and satisfied the board may include other orders to rehabilitate the veterinarian.²⁵⁸ In deciding the appropriate punishment, the board must consider what is necessary to protect the public.²⁵⁹

Introduced in August 2019, the bill got little traction until January of the next year.²⁶⁰ On January 28, 2020 the bill passed a committee vote by the Agriculture Committee with four yeas and one nay.²⁶¹ On January 31, 2020, it was transferred to the Committee of Innovation, Industry, and

253. Compare CS/SB 48, 122nd Leg., Reg. Sess. (Fla. 2020), with e.g., S. 169, 191st Leg., Sess. (Mass. 2019).

254. S.B. 48, 122nd Leg., Reg. Sess. (Fla. 2020).

255. *Id.*

256. *Id.*

257. *Id.*

258. *Id.*

259. *Id.*

260. C.S./S.B. 48, 122nd Leg., Reg. Sess. (Fla. 2020).

261. *Id.*

Technology.²⁶² The proposed law had a projected effective date of July 1, 2020,²⁶³ but on March 14, 2020, the bill was postponed indefinitely and withdrawn from any further consideration.²⁶⁴

8. *New Hampshire*

On December 2, 2019, a bill on cat declawing was introduced in the New Hampshire House of Representatives.²⁶⁵ The bill reads:

No person shall remove the claws of a cat by performing an onychectomy, partial or complete phalangectomy, or a tendonectomy, by any means, on a cat except when necessary in order to address the physical medical condition of the cat, such as an existing or recurring illness, infection, disease, injury, or abnormal condition in the claw that compromises the cat's health.²⁶⁶

The bill is void of any mention of the somewhat imprecise term therapeutic purpose that has been featured in virtually all other state bills.²⁶⁷ Likewise, there is no definition section for the legislation. Rather, the bill clearly states appropriate reasons for the surgery upfront and specifies, "No person shall remove the claws of a cat for cosmetic or aesthetic reasons or for reasons of convenience in keeping or handling the cat."²⁶⁸ Though the bill reads "person" and not "licensed person," the bill would cover declaws from veterinarians or laypersons; however, the consequence of breaking this regulation seems to only cover those licensed or otherwise certified: "Any person licensed or certified under this chapter who removes the claws of a cat in violation of paragraph I shall be punishable by a fine to be determined by the board of veterinary medicine not to exceed \$500."²⁶⁹ There is no mention of appropriate sanctions for a layperson, leaving a somewhat sizable

262. *Id.*

263. *Id.*

264. *Id.*

265. *New Hampshire House Bill 1387*, LEGISCAN, <https://legiscan.com/NH/bill/HB1387/2020>.

266. H.B. 1387, 2020 Leg., Reg. Sess. (N.H. 2020).

267. *Compare id.*, with, e.g., Assemb. B. 1087, 219th Leg., Reg. Sess. (N.J. 2020).

268. H.B. 1387, 2020 Legis., Reg. Sess. (N.H. 2020).

269. *Id.*

hole in applying the letter of the law.²⁷⁰ The bill would take effect immediately upon its passage.²⁷¹

After introduction in December 2019, the bill was referred to the Environment and Agricultural House Committee.²⁷² From there, the bill had a public hearing on January 16, 2020; a committee work session on January 30, 2020; an executive session on February 4, 2020; and faced a committee vote on February 7, 2020.²⁷³ In a 12–8 vote, the majority found the bill inexpedient to legislate while the minority found the bill ought to pass.²⁷⁴ The majority's reasoning reflects that of most opponents of declawing regulation:

The majority of the committee does not support this bill because, based on testimony, the decision to declaw a cat should be left between the cat owner and the veterinarian. Most veterinarians discourage this procedure and use it as a last resort. It was shown that this procedure is not done very often in New Hampshire and when it is, there is good reason and may prevent the cat from being euthanized.²⁷⁵

Likewise, the minority report echoes proponents' classic common arguments, reflecting the language of West Hollywood's historical first ban:

The intent of the bill was to stop the declawing of cats merely for the convenience of the owner. Medically necessary declawing was still allowed. The minority felt there were enough protections in the law for medically compromised owners to declaw their cats in order for the cat to remain in the home. Data does not support the opinion that declawed cats are easier to adopt or that they are less likely to be surrendered.²⁷⁶

Ultimately, through the results of this vote, the House determined this issue was inexpedient to legislate.²⁷⁷ On February 19, 2020, the bill was rejected, the first state legislation of its kind to conclusively perish in this manner.²⁷⁸

270. *See id.*

271. *Id.*

272. *New Hampshire House Bill 1387*, *supra* note 265.

273. *Id.*

274. *Prohibiting the Declawing of Cats: Hearing on H.B. 1387 Before the H. Comm. on Env't & Agric.*, 2020 Leg., Reg. Sess. 12–8 (N.H. 2020).

275. *Id.* (statement of Rep. Judy Aron, Member, H. Comm. on Env't & Agric.).

276. *Id.* (statement of Rep. Sherry Dutzy, Member, H. Comm. on Env't & Agric.).

277. *New Hampshire House Bill 1387*, *supra* note 265.

278. *Id.*

This decision is likely a result of the state's veterinarian lobby.²⁷⁹ According to the New Hampshire Veterinary Medicine Association (NHVMA), "claims about the frequency and consequences of declawing are overblown."²⁸⁰ Using a rendition of the CVMA's argument,²⁸¹ the NHVMA asserts "the Legislature should. . . not. . . over-regulate animal care" and leave it in the professional discretion of veterinarians.²⁸² The NHVMA assured new medical procedures are available which make declawing less traumatic for the feline;²⁸³ however, as explored previously, declawing is always painful.²⁸⁴ At the same time, the New Hampshire House of Representatives also rejected a bill that would have criminalized individuals for "not providing adequate food, water, and shelter for animals."²⁸⁵

9. Maryland

A house bill was introduced in the Maryland legislature on January 23, 2020 that would criminalize veterinarians for performing any declawing on a feline.²⁸⁶ Unlike some other bills of this nature, this specifically protects cats and does not cover any other animal.²⁸⁷ The germane portions of the law provides: "(A) Except as provided in subsection (B) of this section, a veterinary practitioner may not perform a declawing procedure on a cat. (B) A veterinary practitioner may perform a declawing procedure on a cat if the procedure is necessary for a therapeutic purpose."²⁸⁸ Therapeutic purpose is defined as a "physical or medical condition that compromises the health or wellbeing of an animal."²⁸⁹ This definition is interestingly enough broader than it needs to be as the core of the law protects only cats and not other

279. Kevin Landrigan, *House Rejects Ban on Declawing Cats*, N.H. UNION LEADER (Feb. 22, 2020), https://www.unionleader.com/news/animals/house-rejects-ban-on-declawing-cats/article_70b31632-2688-5c67-a803-2a1170ab7604.html [<https://perma.cc/BZ22-R7AL>].

280. *Id.*

281. This argument was explored in more depth in this Note *supra* Part III.C.

282. Landrigan, *supra* note 279.

283. *Id.*

284. *See supra* Part II.A.

285. H.B. 1389, 2020 Leg., Reg. Sess. (N.H. 2020). New Hampshire is certainly not the cat's pajamas for animal legislation, it seems.

286. H.B. 445, 2020 Leg., Reg. Sess. (Md. 2020).

287. *Compare id.*, with Assemb. B. 1230, 2019 Leg., Reg. Sess. (Cal. 2019).

288. H.B. 445, 2020 Leg., Reg. Sess. (Md. 2020).

289. *Id.*

animals²⁹⁰—in fact, all definitions offered simply say “an animal” rather than “cat.”²⁹¹ Maybe in this small discrepancy lays the groundwork for a later, larger ban on declawing and protections for any animal able to be declawed.²⁹²

On January 23, 2020, the bill was assigned to the Committee of Environment and Transportation, and on January 28, 2020, it was scheduled for a hearing on February 19, 2020.²⁹³

10. *Michigan*

A bill to outlaw cat declawing was introduced February 20, 2020 in Michigan.²⁹⁴ A house bill, the proposed legislation is not dissimilar from other states’ pending laws, though it is essentially tailored to cats and does not cover any other animal.²⁹⁵ The ban reads: “An individual shall not perform by any means an onychectomy, a partial or complete phalangectomy, or a tendonectomy procedure, or any other surgical procedure that prevents normal function of the claws, on a cat in this state, unless the procedure is necessary for a therapeutic purpose.”²⁹⁶ Like Florida’s bill, the penalty is a fine not more than \$1,000; unlike Florida, however, the penalty is uniform for all violators and does not increase or have additional requirements for licensed veterinarians.²⁹⁷ On February 20, 2020, the bill was referred to the Committee on Agriculture.²⁹⁸

11. *West Virginia*

Legislation on declawing was introduced in the House of Representatives of West Virginia and referred to the Committee on

290. *Id.*

291. *Id.*

292. *See id.*

293. *Maryland House Bill 445*, LEGISCAN, <https://legiscan.com/MD/bill/HB445/2020>.

294. *House Bill 5508 (2020)*, MICH. LEG., [https://www.legislature.mi.gov/\(S\(15jope4klzsg5f0sdxh03ojg\)\)/mileg.aspx?page=getobject&objectname=2020-HB-5508&query=on](https://www.legislature.mi.gov/(S(15jope4klzsg5f0sdxh03ojg))/mileg.aspx?page=getobject&objectname=2020-HB-5508&query=on) [<https://perma.cc/B9CX-297B>].

295. *Compare* H.B. 5508, 100th Leg., Reg. Sess. (Mich. 2020), *with* Assemb. B. 1087, 219th Leg., Reg. Sess. (N.J. 2020).

296. H.B. 5508, 100th Leg., Reg. Sess. (Mich. 2020).

297. *Compare id.*, *with* C.S./S.B. 48, 122nd Leg., Reg. Sess. (Fla. 2020).

298. *House Bill 5508 (2020)*, *supra* note 294.

Agriculture and Natural Resources on January 8, 2020.²⁹⁹ The bill was first introduced January 9, 2019 but was carried over to this legislative year.³⁰⁰ If passed, this would amend Article 8 of the Code of West Virginia covering crimes against chastity, morality and decency by expanding its section on cruelty to animals to include: “It is unlawful for any person to intentionally, knowingly or recklessly . . . [p]erform, or cause to be performed, an onychectomy (declawing) or flexor tendonectomy procedure on a cat or other animal.”³⁰¹ This law is the most stringent of all state legislation proposed so far as it is a total ban on declawing without any exception, therapeutic purpose or otherwise.³⁰² The regular penalties under the original code would apply to violators of this new section. This would include a fine of an amount between \$300 and \$2,000, potential incarceration of six months or less, or both.³⁰³ Anyone convicted under the law would also

forfeit[] his or her interest in any animal and all interest in the animal vests in the humane society or county pound of the county in which the conviction was rendered and the person is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society or county pound as a result.³⁰⁴

This represents both a strict policy and a stern penalty to back up said policy. A second offense holds the consequences of jail time with a minimum sentence of 90 days and a maximum sentence of one year, a fine of some amount between \$500 and \$3,000, or both.³⁰⁵ It is very clear from the bill that West Virginia takes both animal cruelty and declawing—which would be included in the definition of animal cruelty—very seriously.³⁰⁶

299. *West Virginia House Bill 2119*, LEGISCAN, <https://legiscan.com/WV/bill/HB/2119/2020>.

300. *Id.*

301. H.B. 2119, 2019 Leg., Reg. Sess. (W.V. 2019).

302. *Compare id.*, with, e.g., Assemb. B. 1230, 219th Leg., Reg. Sess. (N.J. 2020) and Assemb. B. 1087, 219th Reg. Sess. (N.J. 2020).

303. H.B. 2119, 2019 Leg., Reg. Sess. (W.V. 2019).

304. *Id.*

305. *Id.*

306. One might even say West Virginia is the cat’s pajamas for animal welfare.

12. *Minnesota*

In Minnesota, legislation on the topic of declawing was introduced on February 24, 2020.³⁰⁷ Not quite as stringent as West Virginia's, the Minnesota bill falls back in line with the other states' legislation discussed in this Note, outlawing declaws except for those performed for a therapeutic purpose.³⁰⁸ The law states:

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

(1) the person performing such declawing, onychectomy, or tendonectomy is licensed under this chapter; and (2) declawing, onychectomy, or tendonectomy of a cat is for a therapeutic purpose; or (3) the person who causes a declawing, onychectomy, or tendonectomy procedure to be performed is relying upon the written opinion of a licensee that declawing, onychectomy, or tendonectomy of the cat is required for a therapeutic purpose.³⁰⁹

The definition of therapeutic purpose provided is also comparable to that of other states.³¹⁰ If a declaw is appropriate for the medical needs of the cat, the law requires a reporting feature like that of Massachusetts's proposed law, necessitating a written record of:

the name and address of the animal's owner; the name and address of the person from whom payment is received for the procedure; a description of the cat, including its name, breed, date of birth, sex, color, markings, and current weight; the date and time of the procedure; the reason the procedure was performed; and any diagnostic opinion, analysis, or test result to support the diagnosis.³¹¹

These records would then be reported to the medical board annually on or before March 30.³¹² Unique to this bill, the board would then be

307. *Minnesota House Bill 3733*, LEGISCAN, <https://legiscan.com/MN/bill/HF3733/2019>.

308. *Compare* H.B. 3733, 91st Leg., Reg. Sess. (Minn. 2020), *with, e.g.*, Assemb. B. 1087, 219th Leg., Reg. Sess. (N.J. 2020).

309. H.B. 3733, 91st Leg., Reg. Sess. (Minn. 2020).

310. *Compare id.*, *with, e.g.*, Assemb. B. 1087, 219th Leg., Reg. Sess. (N.J. 2020).

311. *Compare* H.B. 3733, 91st Leg., Reg. Sess. (Minn. 2020), *with* S.B. 169, 191st Leg., Reg. Sess. (Mass. 2019).

312. H.B. 3733, 91st Leg., Reg. Sess. (Minn. 2020).

required to report to the appropriate legislative committees the number of cats that underwent declawing procedures.³¹³

Violators of this bill would be fined not more than \$1,000 for the first offense, then not more than \$1,500 and \$2,500 for second and third offenses, respectively.³¹⁴ On top of that, the perpetrator would have to successfully complete a class on animal welfare and humane treatment, or be barred from owning a cat or sharing a residence with any other person who owns a cat for some court determined amount of time.³¹⁵ If the offender is licensed, that license is subject to suspension or revocation.³¹⁶ If it had passed, this legislation would have taken effect August 1, 2020.³¹⁷

13. *Connecticut*

The most recent state to propose cat declaw legislation is Connecticut, which introduced a new act on January 26, 2021.³¹⁸ It is also noteworthy as the shortest of all the bills.³¹⁹ The legislation in its entirety reads: “Be it enacted by the Senate and House of Representatives in General Assembly convened: That the general statutes be amended to prohibit the practice of declawing cats.”³²⁰ Specific to cats and structured as a total and complete ban, the bill proposes no particularized punishments, no therapeutic exception, and no recording requirements for veterinarians.³²¹ In comparison, the proposal is closest to the West Virginia prohibition as there are no exceptions in either bill, but Connecticut’s bill is less stringent overall as there is no specific monetary fine, no statutory punishment of incarceration, and no possibility of losing ownership of the animal in question.³²² However, as the bill develops, it is possible specific penalties will be added—and perhaps they will be more stringent than West Virginia’s and mark Connecticut as the strictest state in terms of pending cat declaw

313. *Id.*

314. *Id.*

315. *Id.*

316. *Id.*

317. *Id.*

318. H.B. 5512, 2021 Leg., Reg. Sess. (Conn. 2021).

319. *Compare id.*, with, e.g., H.B. 2537, 54th Leg., 2d Reg. Sess. (Ariz. 2020).

320. H.B. 5512, 2021 Leg., Reg. Sess. (Conn. 2021); *Connecticut House Bill 5512*, LEGISCAN, <https://legiscan.com/CT/bill/HB05512/2021>.

321. H.B. 5512, 2021 Leg., Reg. Sess. (Conn. 2021).

322. *Compare id.*, with H.B. 2119, 2019 Leg., Reg. Sess. (W.V. 2019).

legislation. In January, on the same day of its introduction, the bill was referred to the Joint Committee on Environment.³²³

Legislation on declawing is a new and hot topic for state legislatures, evolving rather quickly. Nevertheless, a trend is quickly emerging: the United States is moving towards the international standard, denouncing declawing and seeing it as animal cruelty, similar to how the rest of the world has almost always viewed it.³²⁴ Perhaps all states will soon ban the practice, or maybe federal legislation will follow as the legislature catches up with the changes in declawing attitudes. It may be too soon to estimate as of now, but time will tell.

F. Iowa: Clawful or Purrfect? and Where to Go from Here

As discussed in the previous Part, multiple states across the country are working on banning declawing and making the country a better place overall for cats and their owners.³²⁵ At the time of writing this Note, though, Iowa has no legislation pertaining to declawing, partial restrictions or otherwise. In the grand scheme of cat declaw legislation, Iowa is currently a nonentity at best, or an enabler at worst as no protocols in place allow the practice to continue unregulated—even performed by unlicensed amateurs because no law on the books requires declawing be undertaken by a professional in the state. Iowa also permits landlords to demand declawing of their tenants' cats. That is not to say, however, Iowa is without its share of organizations working for the improvement of cat welfare and the end of declawing.³²⁶ The Animal Rescue League of Iowa, for example, “does not recommend declawing cats” and provides advice and alternatives to the practice, including a helpline which provides owners with questions or concerns with access to a cat behaviorist.³²⁷

The Cat Clinic of Iowa City (Cat Clinic) stopped offering declawing services in January 2019 and released a statement on its position.³²⁸

323. H.B. 5512, 2021 Leg., Reg. Sess. (Conn. 2021);.

324. *See, e.g.*, Assemb. B. 1087, 219th Leg., Reg. Sess. (N.J. 2020).

325. *See supra* Part III.E.

326. *See, e.g.*, *Does the ARL Declaw Cats?*, ANIMAL RESCUE LEAGUE IOWA, <https://www.arl-iowa.org/about/faqs/22/does-the-arl-declaw-cats/> [https://perma.cc/UF2K-2BRD].

327. *Id.*

328. Brian Hayes, *Cat Clinic of Iowa City Statement on Claw Amputation*, CAT CLINIC IOWA CITY (Jan. 2019), <https://www.catclinicofiowacity.com/downloads/declawing-statement.pdf> [https://perma.cc/6UQ4-USTG].

Acknowledging recent research on the dangers of declawing, the Cat Clinic “determined that the long-term consequences of claw amputation outweigh the benefits.”³²⁹ The clinic will perform the surgery in cases of “medical necessity” which mirrors ordinances like West Hollywood’s and New York’s recent state ban.³³⁰ Therefore, though the statement does not provide a definition on what circumstances would constitute such a necessity, it seems safe to assume statutory definitions would suffice.³³¹ The Cat Clinic is clear in its stance: “We are committed to providing the best possible life-long care of all our feline patients. . . . We believe the individual species-specific needs of cats should be a consideration in pet ownership and providing opportunities to engage in normal scratching behavior is one of those needs.”³³²

The Humane Society of Johnson County in Iowa City, Iowa is also against declawing.³³³ The group states on its website, perhaps somewhat sarcastically, “Declawing (amazingly enough) is still considered to be ‘controversial’ in the USA.”³³⁴ It continues, “The UK considers declawing inhumane . . . it’s illegal there” next to an image declaring “Declawing is mutilation” and strongly requests studying *Pain and Adverse Behavior in Declawed Cats*, a study in the Journal of Feline Medicine and Surgery that determined declawing can have disastrous effects on the cat, before deciding on any declaw surgery.³³⁵

While there are individuals and groups in Iowa working to inform and change opinions on declawing, this imply is not enough to battle this continuing problem. Iowa would be best served by legislation regulating declawing. A total ban like New York’s would be ideal and reflect the efforts of the animal rights groups mentioned above.³³⁶ If Iowa is to be a pillar of upstanding veterinary care for its feline population, then an absolute prohibition of declawing for human convenience is crucial. At the very least,

329. *Id.*

330. *Compare id.*, with N.Y. AGRIC. & MKTS. LAW § 381 (McKinney 2019).

331. *See* N.Y. AGRIC. & MKTS. LAW § 381 (McKinney 2019) (defining “medical necessity”).

332. Hayes, *supra* note 328.

333. *We Need Homes!*, JOHNSON CNTY. HUMANE SOC’Y (Jan. 30, 2021), http://www.johnsoncountyhumane.org/meet_animals.html [<https://perma.cc/KUD6-3C4G>].

334. *Id.*

335. *Id.* This Note explores the same study in more detail at Part II.B.1.

336. *See supra* note 181 and accompanying text.

legislation criminalizing non-veterinary professionals performing the surgery and prohibiting landlords from requiring it of tenants with cats is necessary.

The Animal Rescue League of Iowa has a resource of pet-friendly apartments in Iowa and lists apartments that require declawing—the website lists at least four properties with the brutal requirement.³³⁷ Even one property is too many, however, as the decision to declaw, if it must be made, should be made by someone who cares for the animal rather than a remote individual whose only interest in the procedure is their pocketbook. As long as any apartment complex in Iowa is allowed to demand a declaw, an injustice continues. To combat this, Iowa should introduce legislation protecting tenants and their furry family members.³³⁸ The time for change is now. The world of animal rights is evolving, and Iowa must evolve with it, or be a mere relic of yesterday's ignorance and mistakes.

IV. CONCLUSION

Declawing, simply put, is an archaic practice that has no right to be in this modern world of better veterinarian knowledge, enhanced ideas of morality, and heightened standards of welfare. It serves no purpose for cats—big and small—and only the worst purposes for humans.

Immanuel Kant once wrote, “We can judge the heart of a man by his treatment of animals.”³³⁹ Kant was merely concerned with the humanity of mankind as revealed by the oft-forgotten and less-cited prelude of the maxim—“he who is cruel to animals becomes hard also [i]n his dealing[s] with men.”³⁴⁰ Regardless of the maxim's original intent, the standard can be applied and broadened. We can judge the heart of an organization,³⁴¹ of a

337. *Pet Friendly Housing*, ANIMAL RESCUE LEAGUE IOWA, <https://www.arl-iowa.org/pet-help/resources-for-pet-owners/pet-friendly-housing> [https://perma.cc/WHA4-3ALV].

338. See, e.g., S.B. 1229, 2012 Leg., Reg. Sess. (Cal. 2012) for legislation covering this subject.

339. *Immanuel Kant: From LECTURES ON ETHICS*, *supra* note 1.

340. *Id.*

341. Veterinary Centers of America (VCA) Animal Hospitals, for example, has over one thousand clinics nationwide just announced their plans to ban declawing from all their locations. “Our goal has been to increase our efforts on educating our hospital teams and clients about the negative effects of declawing in cats. This effort has culminated in our plan to stop elective declawing in VCA hospitals effective February 2020.” The Paw Project, *Paw Project Applauds New VCA Policy to End Declawing*,

city, of a state, and of a nation by its treatment of animals, by its laws on declawing. Thus, what happens now in declawing legislation and practice is a trial of heart, morality, and compassion, in which the nation will show not only its priorities but more importantly, its true stripes.

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FACEBOOK (Feb. 21, 2020), <https://www.facebook.com/notes/the-paw-project/paw-project-applauds-new-vca-policy-to-end-declawing/10158312169419602/> [https://perma.cc/6RAE-HK4E]. VCA Canada stopped offering the surgery in May 2018. Ken Niedziela, *VCA Stops Elective Declaw Surgeries Nationwide*, TODAY'S VETERINARY BUS. (Feb. 2020), <https://todaysveterinarybusiness.com/vca-stops-elective-declaw-surgeries-nationwide/> [https://perma.cc/VE9Q-U64A]. Likewise, Banfield Pet Hospitals, with more than a thousand locations, will only offer declawings if it is necessary to relieve "pet pain or illness." *Banfield Feline Declaw Position Statement*, BANFIELD PET HOSPS., <https://www.banfield.com/pet-healthcare/additional-resources/article-library/veterinary-services/declaw-policy-statement> [https://perma.cc/6FA6-NVQ6]. BluePearl Pet Hospitals have also discontinued the practice. Lisa Wogan, *Banfield, VCA, BluePearl End Elective Declawing of Cats*, VIN NEWS SERV. (Feb. 26, 2020), <https://news.vin.com/VINNews.aspx?articleId=56315> [https://perma.cc/YY4V-KZST].

* B.A., Columbia College, 2018; J.D., Drake University Law School, 2021. The Author would like to dedicate this Note to Potter and Link, furballs of inspiration and whom have patiently suffered through intensive and continuous study of feline paw anatomy with minimal complaint and only a couple scratches. The Author would additionally like to commend Panther and Widow for their enthusiasm and dedication in continuing the study with more than just a couple scratches.