

ASSEMBLY, No. 347

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman CAROL MURPHY

District 7 (Burlington)

SYNOPSIS

Prohibits surgical declawing of cats and other animals.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A347 MURPHY

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1 AN ACT concerning the surgical declawing of cats and other
2 animals, supplementing Title 4 of the Revised Statutes, and
3 amending R.S.4:22-26.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. No person shall perform, or cause to be
9 performed, an onychectomy (declawing) or flexor tendonectomy
10 procedure by any means on a cat or other animal, unless the
11 procedure is deemed necessary for a therapeutic purpose by a
12 licensed veterinarian. A person who violates this provision shall be
13 guilty of a disorderly persons offense.

14 b. Whenever a licensed veterinarian determines that an
15 onychectomy or flexor tendonectomy is necessary for a therapeutic
16 purpose, the veterinarian shall prepare and file a written statement
17 with the Department of Health setting forth the purpose for
18 performing the procedure and providing the name and address of
19 the owner or keeper of the animal, and provide a copy of that
20 statement to the owner of the animal. A veterinarian who fails to
21 comply with the provisions of this section shall be subject to
22 disciplinary action by the State Board of Veterinary Medical
23 Examiners.

24 c. As used in this section, “therapeutic purpose” means for
25 purpose of necessity to address the medical condition of the animal,
26 such as an existing or recurring illness, infection, disease, injury, or
27 abnormal condition in a claw that compromises the animal’s health.
28 “Therapeutic purpose” shall not mean cosmetic or aesthetic reasons
29 or reasons of convenience in keeping or handling the animal.
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31 2. R.S.4:22-26 is amended to read as follows:

32 4:22-26. A person who shall:

33 a. (1) Overdrive, overload, drive when overloaded, overwork,
34 abuse, or needlessly kill a living animal or creature, or cause or
35 procure, by any direct or indirect means, including but not limited
36 to through the use of another living animal or creature, any such
37 acts to be done;

38 (2) Torment, torture, maim, hang, poison, unnecessarily or
39 cruelly beat, cruelly abuse, or needlessly mutilate a living animal or
40 creature, or cause or procure, by any direct or indirect means,
41 including but not limited to through the use of another living animal
42 or creature, any such acts to be done;

43 (3) Cause the death of, or serious bodily injury to, a living
44 animal or creature from commission of any act described in
45 paragraph (2), (4), (5), or (6) of this subsection, by any direct or

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A347 MURPHY

- 1 indirect means, including but not limited to through the use of
2 another living animal or creature, or otherwise cause or procure any
3 such acts to be done;
- 4 (4) Fail, as the owner or a person otherwise charged with the
5 care of a living animal or creature, to provide the living animal or
6 creature with necessary care, or otherwise cause or procure such an
7 act to be done; or
- 8 (5) Cause bodily injury to a living animal or creature from
9 commission of the act described in paragraph (4) of this subsection;
- 10 b. (Deleted by amendment, P.L.2003, c.232)
- 11 c. Inflict unnecessary cruelty upon a living animal or creature,
12 by any direct or indirect means, including but not limited to through
13 the use of another living animal or creature; or leave the living
14 animal or creature unattended in a vehicle under inhumane
15 conditions adverse to the health or welfare of the living animal or
16 creature;
- 17 d. Receive or offer for sale a horse that is suffering from abuse
18 or neglect, or which by reason of disability, disease, abuse or
19 lameness, or any other cause, could not be worked, ridden or
20 otherwise used for show, exhibition or recreational purposes, or
21 kept as a domestic pet without violating the provisions of this
22 article;
- 23 e. Keep, use, be connected with or interested in the
24 management of, or receive money or other consideration for the
25 admission of a person to, a place kept or used for the purpose of
26 fighting or baiting a living animal or creature;
- 27 f. Be present and witness, pay admission to, encourage, aid or
28 assist in an activity enumerated in subsection e. of this section;
- 29 g. Permit or suffer a place owned or controlled by him to be
30 used as provided in subsection e. of this section;
- 31 h. Carry, or cause to be carried, a living animal or creature in
32 or upon a vehicle or otherwise, in a cruel or inhumane manner;
- 33 i. Use a dog or dogs for the purpose of drawing or helping to
34 draw a vehicle for business purposes;
- 35 j. Impound or confine or cause to be impounded or confined in
36 a pound or other place a living animal or creature, and shall fail to
37 supply the living animal or creature during such confinement with a
38 sufficient quantity of good and wholesome food and water;
- 39 k. Abandon a maimed, sick, infirm or disabled animal or
40 creature to die in a public place;
- 41 l. Willfully sell, or offer to sell, use, expose, or cause or permit
42 to be sold or offered for sale, used or exposed, a horse or other
43 animal having the disease known as glanders or farcy, or other
44 contagious or infectious disease dangerous to the health or life of
45 human beings or animals, or who shall, when any such disease is
46 beyond recovery, refuse, upon demand, to deprive the animal of
47 life;

A347 MURPHY

- 1 m. Own, operate, manage or conduct a roadside stand or market
2 for the sale of merchandise along a public street or highway; or a
3 shopping mall, or a part of the premises thereof; and keep a living
4 animal or creature confined, or allowed to roam in an area whether
5 or not the area is enclosed, on these premises as an exhibit; except
6 that this subsection shall not be applicable to: a pet shop licensed
7 pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who
8 keeps an animal, in a humane manner, for the purpose of the
9 protection of the premises; or a recognized breeders' association, a
10 4-H club, an educational agricultural program, an equestrian team, a
11 humane society or other similar charitable or nonprofit organization
12 conducting an exhibition, show or performance;
- 13 n. Keep or exhibit a wild animal at a roadside stand or market
14 located along a public street or highway of this State; a gasoline
15 station; or a shopping mall, or a part of the premises thereof;
- 16 o. Sell, offer for sale, barter or give away or display live baby
17 chicks, ducklings or other fowl or rabbits, turtles or chameleons
18 which have been dyed or artificially colored or otherwise treated so
19 as to impart to them an artificial color;
- 20 p. Use any animal, reptile, or fowl for the purpose of soliciting
21 any alms, collections, contributions, subscriptions, donations, or
22 payment of money except in connection with exhibitions, shows or
23 performances conducted in a bona fide manner by recognized
24 breeders' associations, 4-H clubs or other similar bona fide
25 organizations;
- 26 q. Sell or offer for sale, barter, or give away living rabbits,
27 turtles, baby chicks, ducklings or other fowl under two months of
28 age, for use as household or domestic pets;
- 29 r. Sell, offer for sale, barter or give away living baby chicks,
30 ducklings or other fowl, or rabbits, turtles or chameleons under two
31 months of age for any purpose not prohibited by subsection q. of
32 this section and who shall fail to provide proper facilities for the
33 care of such animals;
- 34 s. Artificially mark sheep or cattle, or cause them to be
35 marked, by cropping or cutting off both ears, cropping or cutting
36 either ear more than one inch from the tip end thereof, or half
37 cropping or cutting both ears or either ear more than one inch from
38 the tip end thereof, or who shall have or keep in the person's
39 possession sheep or cattle, which the person claims to own, marked
40 contrary to this subsection unless they were bought in market or of
41 a stranger;
- 42 t. Abandon a domesticated animal;
- 43 u. For amusement or gain, cause, allow, or permit the fighting
44 or baiting of a living animal or creature;
- 45 v. Own, possess, keep, train, promote, purchase, or knowingly
46 sell a living animal or creature for the purpose of fighting or baiting
47 that animal or creature;

- 1 w. Gamble on the outcome of a fight involving a living animal
2 or creature;
- 3 x. Knowingly sell or barter or offer for sale or barter, at
4 wholesale or retail, the fur or hair of a domestic dog or cat or any
5 product made in whole or in part from the fur or hair of a domestic
6 dog or cat, unless such fur or hair for sale or barter is from a
7 commercial grooming establishment or a veterinary office or clinic
8 or is for use for scientific research;
- 9 y. (1) Knowingly sell or barter, or offer for sale or barter, at
10 wholesale or retail, for human consumption, the flesh of a domestic
11 dog or cat, or any product made in whole or in part from the flesh of
12 a domestic dog or cat;
- 13 (2) Knowingly slaughter a horse for human consumption;
- 14 (3) Knowingly sell or barter, or offer for sale or barter, at
15 wholesale or retail, for human consumption, the flesh of a horse, or
16 any product made in whole or in part from the flesh of a horse, or
17 knowingly accept or publish newspaper advertising that includes the
18 offering for sale, trade, or distribution of any such item for human
19 consumption;
- 20 (4) Knowingly transport a horse for the purpose of slaughter for
21 human consumption;
- 22 (5) Knowingly transport horsemeat, or any product made in
23 whole or in part from the flesh of a horse, for the purpose of human
24 consumption;
- 25 z. Surgically debark or silence a dog in violation of section 1
26 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);
- 27 aa. Use a live pigeon, fowl or other bird for the purpose of a
28 target, or to be shot at either for amusement or as a test of skill in
29 marksmanship, except that this subsection and subsections bb. and
30 cc. shall not apply to the shooting of game;
- 31 bb. Shoot at a bird used as described in subsection aa. of this
32 section, or is a party to such shooting; **[or]**
- 33 cc. Lease a building, room, field or premises, or knowingly
34 permit the use thereof for the purposes of subsection aa. or bb. of
35 this section; or
- 36 dd. Perform, or cause to be performed, an onychectomy
37 (declawing) or flexor tendonectomy procedure on a cat or other
38 animal in violation of section 1 of P.L. , c. (C.) (pending
39 before the Legislature as this bill) --
- 40 Shall forfeit and pay a sum according to the following schedule,
41 to be sued for and recovered, with costs, in a civil action by any
42 person in the name of the New Jersey Society for the Prevention of
43 Cruelty to Animals or a county society for the prevention of cruelty
44 to animals, as appropriate, or, in the name of the municipality if
45 brought by a certified animal control officer or animal cruelty
46 investigator:
- 47 For a violation of subsection e., f., g., u., v., w., or z of this
48 section or of paragraph (3) of subsection a. of this section, or for a

A347 MURPHY

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1 second or subsequent violation of paragraph (2) or (5) of subsection
2 a. of this section, a sum of not less than \$3,000 nor more than
3 \$5,000;

4 For a violation of subsection l. of this section, for a first violation
5 of paragraph (2) or (5) of subsection a. of this section, a sum of not
6 less than \$1,000 nor more than \$3,000;

7 For a violation of paragraph (4) of subsection a. of this section,
8 or subsection c. or dd. of this section, a sum of not less than \$500
9 nor more than \$2,000;

10 For a violation of subsection x. or paragraph (1) of subsection y.
11 of this section, a sum of not less than \$500 nor more than \$1,000 for
12 each domestic dog or cat fur or fur or hair product or domestic dog
13 or cat carcass or meat product sold, bartered, or offered for sale or
14 barter;

15 For a violation of paragraph (2), (3), (4), or (5) of subsection y.
16 of this section, a sum of not less than \$500 nor more than \$1,000 for
17 each horse slaughtered or transported for the purpose of slaughter
18 for human consumption, or for each horse carcass or meat product
19 transported, sold or bartered, or offered or advertised for sale or
20 barter;

21 For a violation of subsection t. of this section, a sum of not less
22 than \$500 nor more than \$1,000, but if the violation occurs on or
23 near a highway, a mandatory sum of \$1,000;

24 For a violation of subsection d., h., j., k., aa., bb., or cc. of this
25 section or of paragraph (1) of subsection a. of this section, a sum of
26 not less than \$250 nor more than \$1,000; and

27 For a violation of subsection i., m., n., o., p., q., r., or s. of this
28 section, a sum of not less than \$250 nor more than \$500.

29 (cf: P.L.2013, c.88, s.3)

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31 3. This act shall take effect immediately.

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STATEMENT

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36 This bill would prohibit a person from performing, or causing to
37 be performed, an onychectomy (declawing) or flexor tendonectomy
38 procedure by any means on a cat or other animal, unless the
39 procedure is deemed necessary for a therapeutic purpose by a
40 licensed veterinarian. Any person who violates this provision
41 would be guilty of a disorderly persons offense, which is punishable
42 by a fine of up to \$1,000, a term of imprisonment of up to six
43 months, or both. A violator would also be subject to a civil penalty
44 of between \$500 and \$2,000.

45 For purposes of the bill, the term “therapeutic purpose” means
46 for purpose of necessity to address the medical condition of the
47 animal, such as an existing or recurring illness, infection, disease,
48 injury, or abnormal condition in a claw that compromises the

A347 MURPHY

1 animal's health. "Therapeutic purpose" would not include cosmetic
2 or aesthetic reasons or reasons of convenience in keeping or
3 handling the animal. Under the bill, whenever a licensed
4 veterinarian determines that an onychectomy or flexor
5 tendonectomy is necessary for a therapeutic purpose, the
6 veterinarian would be required to file a written statement with the
7 Department of Health, and provide a copy of that statement to the
8 owner or keeper of the animal. A veterinarian who fails to comply
9 with this provision would be subject to disciplinary action by the
10 State Board of Veterinary Medical Examiners.

11 An onychectomy involves amputating the last bone of each toe
12 on a cat's paw with a scalpel, guillotine, or laser. A flexor
13 tendonectomy, involves severing the tendon that controls the claw
14 in each toe, so that the cat keeps its claws, but cannot flex or extend
15 them. Sometimes they are medically necessary such as for the
16 removal of cancerous tumors.