

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 445 (Delegate Charkoudian, *et al.*)
Environment and Transportation

Animal Welfare - Declawing Cats - Prohibited Acts

This bill prohibits a person from performing a declawing procedure on a cat unless the person is a veterinary practitioner (licensed and registered veterinarian) and the procedure is necessary for a therapeutic purpose. The bill establishes sanctions specific to veterinarians and veterinary practitioners that violate the prohibition and a civil fine applicable to any person who violates the prohibition.

Fiscal Summary

State Effect: Enforcement of the bill is expected to be handled with existing resources provided the number of complaints of violations of the bill is relatively minimal, as discussed below. General fund revenues may increase minimally beginning in FY 2021 to the extent penalties are collected.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill prohibits a veterinary practitioner from performing a declawing procedure on a cat, unless the procedure is necessary for a therapeutic purpose. “Therapeutic purpose” is defined as a physical or medical condition that compromises the health or well-being of an animal. “Therapeutic purpose” does not include cosmetic or aesthetic reasons or reasons of convenience in the keeping or handling of the animal.

The bill requires the State Board of Veterinary Medical Examiners (SBVME) to refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, if the veterinarian or veterinary practitioner fails to comply with the cat declawing prohibition. Under existing provisions, SBVME may impose a penalty of (1) up to \$5,000, for a first offense, in lieu of or in addition to suspension of a license, or in addition to revocation of a license and (2) up to \$10,000, for a second or subsequent offense, in addition to suspension or revocation of a license. The penalties are paid into the general fund.

The bill also prohibits any person, other than a veterinary practitioner performing a declawing procedure necessary for a therapeutic purpose, from performing a declawing procedure on a cat. A violation of the prohibition is a civil offense and subject to a fine of up to \$1,000. The prohibition may be enforced by any State or local law enforcement officer or the local animal control authority for the jurisdiction where the violation occurs.

Current Law/Background:

State Board of Veterinary Medical Examiners Enforcement Authority

SBVME regulates more than 3,000 veterinarians and registered veterinary technicians, 600 veterinary hospitals, and 30 animal control facilities.

With respect to veterinarians and veterinary practitioners, the board is authorized to refuse, suspend, or revoke any application or license, and censure or place on probation any licensee after a hearing, on various grounds, including (1) being unable to practice veterinary medicine competently due to a physical or mental disability; (2) being convicted of a violation of specified State or federal drug-related laws; (3) being convicted of a felony, or of a crime involving moral turpitude; (4) failing to comply with board rules or regulations after receiving a license; and (5) being grossly negligent or deliberately cruel to an animal.

As mentioned above, the board may impose a penalty of (1) up to \$5,000, for a first offense, in lieu of or in addition to suspension of a license, or in addition to revocation of a license and (2) up to \$10,000, for a second or subsequent offense, in addition to suspension or revocation of a license.

Criminal Prohibitions

Statute prohibits, under the Criminal Law Article, certain procedures performed on dogs or cats, but with exceptions for procedures performed under specified circumstances by licensed veterinarians. The prohibited procedures are (1) cropping or cutting off the ear of

a dog; (2) docking or cutting off the tail of a dog; (3) cutting off the dewclaw of a dog; (4) surgically birthing a dog; and (5) surgically devocalizing a dog or cat.

State Expenditures: SBVME indicates that it is about to hire a contractual investigator to complete inspections of animal shelters and help address a backlog of complaint investigations. SBVME currently plans to retain the contractual investigator for one to two years, but no more. If the bill results in a significant increase in complaints that the board receives, special fund expenditures increase in future years to retain the contractual investigator for a longer period of time and potentially also for additional time and cost of the board's part-time assistant Attorney General if complaints result in charges.

Small Business Effect: The bill may have a meaningful impact on small business veterinary practices that provide declawing services that are prohibited by the bill, due to the loss of revenue from those services. However, SBVME indicates that many veterinary practices and most shelters no longer conduct declawing surgeries or only do so under very specific circumstances.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Agriculture; Judiciary (Administrative Office of the Courts); Department of State Police; Anne Arundel, Baltimore, Garrett, Howard, and Montgomery counties; City of Laurel; Department of Legislative Services

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