

SENATE No. 190

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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

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

An Act prohibiting inhumane feline declawing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/26/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/31/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/2/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/6/2023</i>

SENATE No. 190

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 190) of Mark C. Montigny, Jack Patrick Lewis, Brian M. Ashe, Patrick M. O'Connor and others for legislation to prohibit inhumane feline declawing. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act prohibiting inhumane feline declawing.

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

1 SECTION 1. Chapter 140 of the General Laws, as so appearing in the 2020 Official
2 Edition, is hereby amended by inserting after section 174F the following section:-

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

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

6 “Declawing procedure” means an onychectomy, dactylectomy, phalangectomy, or any
7 other procedure that removes a portion of the paw or digit of an animal in order to remove a
8 claw. “Declawing procedure” includes a tendonectomy or any other procedure that cuts or
9 modifies the tendon of the limb, paw, or digit of an animal in order to prohibit the normal
10 function of a claw or prevents the normal functioning of 1 or more claws. “Declawing
11 procedure” does not include nail filing, nail trimming, or the placement of temporary nail caps
12 on 1 or more claws of an animal.

13 “Therapeutic purpose” means for the purpose of addressing an existing or recurring
14 infection, disease, injury, or abnormal condition in the claw, nail bed, or toe bone that
15 jeopardizes the animal’s health, where addressing the infection, disease, injury, or abnormal
16 condition of the claws , nail bed, or toe bone, is a medical necessity; provided, that “therapeutic
17 purpose” shall not include cosmetic, aesthetic reasons, or reasons of convenience in the keeping
18 or handling of the animal.

19 (b) No person shall perform, or cause to be performed, any declawing procedure of an
20 animal, unless the following apply:

21 (1) The person performing such declawing procedure is licensed under section 55 of
22 chapter 112; and

23 (2) Such declawing procedure is for a therapeutic purpose as defined under this section;
24 or

25 (3) The person who causes a declawing, onychectomy, or tendonectomy procedure to be
26 performed is relying upon the written opinion of a person licensed under section 55 of chapter
27 112 that such declawing procedure animal is required for a therapeutic purpose.

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

35 Any person who performs a declawing procedure on an animal shall report the number of
36 all such procedures to the board annually on or before March 30. The board shall maintain all
37 notices received under this subsection for 4 years from the date of receipt.

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

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

44 (e) Whoever violates subsection (b) shall be punished by a fine of not more than \$1,000
45 for a first offense, by a fine of not more than \$1,500 for a second offense, and by a fine of not
46 more than \$2,500 for a third or subsequent offense.

47 (f) Whoever being licensed under section 55 of chapter 112 violates any provision of this
48 section may be subject to disciplinary action under section 59 of said chapter 112 and 256 CMR
49 7.00.

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

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

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