

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

HB 231-FN, prohibiting the removal of claws from cats.

Hearing Date: March 28, 2023

Time Opened: 9:40 a.m.

Time Closed: 10:37 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill creates a criminal penalty for declawing a cat.

Sponsors:

Rep. Bordes

Rep. Read

Who supports the bill: In total, 123 individuals signed in in support of HB 231-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who opposes the bill: In total, 20 individuals signed in in opposition of HB 231-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who is neutral on the bill: In total, no individuals signed in as neutral of HB 231-FN. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Summary of testimony presented in support:

Representative Mike Bordes

Belknap County 5

- Representative Mike Bordes introduced House Bill 231-FN.
- Rep. Bordes stated that HB 231-FN eliminates the declawing of cats, except in medical emergencies.
- Rep. Bordes stated that declawing is an old, barbaric treatment for cats.
- Rep. Bordes stated that many people have their cat declawed because the cat may scratch their furniture.

- Rep. Bordes recounted his own experience of when his kittens tore apart his furniture, and that instead of declawing his kittens he bought less expensive furniture that he did not care if it got scratched up.
- Rep. Bordes stated that declawing a cat is the same as cutting off a human's finger at the first knuckle.
- Rep. Bordes stated that after being declawed, cats are unable to walk as they are intended to walk.
- Rep. Bordes posed an example of a house cat that had been declawed, if the declawed house cat gets outside, it will be unable to fight off any predators.
- Rep. Bordes stated that he has received a lot of constituent support for HB 231-FN.
 - Rep. Bordes also noted that HB 231-FN passed the House favorably.
- Rep. Bordes stated that HB 231-FN is a basic bill that shows that we care about the animals in our state.
- Senator Watters noted that RSA 644:8 is the animal cruelty statute.
- Senator Watters asked if by placing the provisions of HB 231-FN into RSA 644:8, is it fair to say the prime sponsor is stating that this practice qualifies as animal cruelty.
 - Rep. Bordes confirmed that this is his intent.
- Senator Pearl asked how many cats are declawed in a year in New Hampshire.
 - Rep. Bordes replied that we do not official numbers.
 - Rep. Bordes added that he has been asked that question a lot.
 - Rep. Bordes further added that many veterinarians will not perform the procedure, but there are still some who will.
 - Rep. Bordes stated that he wishes he could provide a factual figure, but the practice is still being done.
- Senator Pearl asked if it would be fair to say that the only time the practice is being performed is when it is medically necessary for either the cat or the owner.
 - Rep. Bordes replied that he disagrees.
- Senator Pearl asked if, since there is no data to prove that this practice is being abused to the procedure itself, in that the procedure is not being overused and only performed in certain situations.
 - Rep. Bordes replied that the majority of people who have their cat declawed have the procedure done because the cat is destroying furniture.
 - Rep. Bordes added that there are alternatives to declawing that should be used.
- Senator Pearl stated that it is his understanding that a veterinarian presents the alternatives to declawing to the cat owner before declawing is chosen.
 - Rep. Bordes replied that it should be, and he hopes the majority do offer alternatives.
 - Rep. Bordes added that he has been contacted by veterinarians who state that they hope HB 231-FN passes so they can turn around and tell their customers that declawing is against the law.
- Senator Avard asked what our neighboring states do in terms of similar legislation.
 - Rep. Bordes replied that currently the practice is illegal in Maryland, several countries, as well as several cities and municipalities.
- Rep. Bordes stated that there is misinformation that goes around surrounding the debate of declawing.

- Rep. Bordes explained that one piece of misinformation is that if someone cannot have their cat declawed then they will send the cat to a shelter or dump them on the streets.
 - Rep. Bordes refuted the misinformation claims by stating that areas who have passed similar legislation have not had increases in homeless cats or cats returned to shelters.
- Senator Altschiller asked if HB 231-FN takes off the table the mutualization of cats for somebody's aesthetic interests.
 - Rep. Bordes confirmed that that is the intent of HB 231-FN.
- Senator Altschiller asked if the only way declawing a cat would be on the table is if the cat had a serious infection or an injury to its paw.
 - Rep. Bordes confirmed that that is correct.
- Senator Altschiller asked if it is the prime sponsor's experience that because this procedure is looked down upon by the veterinarian community, is this procedure being driven underground.
 - Rep. Bordes replied that this procedure is not necessarily being driven underground, but there are still veterinarians who perform this practice.
- Senator Avarad asked if a veterinarian has a choice of whether or not to perform the procedure.
 - Rep. Bordes replied that a veterinarian does have the choice to perform a procedure.
 - Rep. Bordes reiterated that declawing a cat is a barbaric ritual.
- Senator Avarad asked if clipping a dog's tail or straightening a dog's tail is barbaric to.
 - Rep. Bordes replied that in his personal experience he does not alter his dogs.
 - Rep. Bordes added that it a personal choice for the owner of the dog.
- Senator Birdsell asked why veterinarians are not denying the customers who ask to have their cat declawed.
 - Rep. Bordes replied that an owner of a practice can dictate that the veterinarians who they employ must do the procedure.
 - Rep. Bordes added that it is a lot easier for the veterinarian to say the procedure is illegal, rather than get into a battle with the cat's owner or their own boss.

Dr. Sabrina Russet

Owner of Court St. Veterinary Hospital, Small Animal Veterinarian

- Doctor Sabrina Russet stated that she is a small animal veterinarian and owner of Court Street Veterinary Hospital in Keene, New Hampshire.
- Dr. Russet stated that with the advances in veterinarian medicine we now know that the implications to declawing cats are catastrophic.
 - Dr. Russet added that we now have data that shows this procedure has short and long term affects on cats who are declawed.
 - Dr. Russet noted the post operation side affects which include, uncontrolled acute pain, chronic maladaptive pain that can persist throughout the remainder of the cat's life, nerve trauma, infection, abscess formation, protrusion of the bone in the second phalanx. lameness in patients, and mal positioning and having to walk abnormally.

- Dr. Russet added that we can also see severe secondary behavioral problems which include litter box aversion.
- Dr. Russet stated that data from around the world shows that we are seeing massive paradigm shifts concerning declawing cats.
 - Dr. Russet explained that her colleagues in Britain, Europe, and several provinces in Canada, categorize declawing cats as animal cruelty.
 - Dr. Russet added that the people at the International Cat Care and their Veterinary Division, the Society of Feline Medicine, state that the declawing of cats other than for therapeutic reasons is unethical.
- Dr. Russet stated that she fears if HB 231-FN fails to pass, then it may further legitimize the rhetoric that this procedure is anything less than animal cruelty and abuse.
- Dr. Russet stated that New Hampshire has a unique opportunity with HB 231-FN to support veterinarians.
- Dr. Russet stated that it is her personal opinion that declining to legislate on these issues places the onus of maintaining animal welfare standards on the shoulders of veterinarians.
 - Dr. Russet added that without clear legislation on this issue, it insinuates to the public that this procedure and practice is negotiable.
- Dr. Russet stated that she sees a lot of cases where patients pressure veterinarians to perform these procedures.
 - Dr. Russet added that in worse cases, associate or young veterinarians find themselves in positions that require them to perform these procedures from their superiors.
 - Dr. Russet added that if an associate or young veterinarian declines to perform this procedure, then they run the risk of financial or experiential consequences.
- Dr. Russet stated veterinarians do not have the same legal teams that you see in human medicine.
 - Dr. Russet added that many veterinarians are small business owners and are subject to online reviews which could threaten their livelihood.
- Dr. Russet stated we have the opportunity to signal to current veterinarians that they are heard in their concerns and to younger veterinarians that New Hampshire stands on the forefront of animal welfare.
- Senator Avard asked if someone who moves from Massachusetts to New Hampshire, and they had their cat declawed in Massachusetts, would they be subject to the penalties in HB 231-FN.
 - Dr. Russet asked for clarification on Senator Avard's question.
 - Senator Avard clarified that he is asking about who would face the penalty for having this procedure done, the cat's owner who moved or the veterinarian who performed the procedure, and how New Hampshire would enforce these penalties.
 - Dr. Russet replied that to her knowledge of HB 231-FN, there would be a fine imposed on the veterinarian who performed the procedure after enforcement.
 - Dr. Russet added that there is no penalty for cat owners who had this procedure prior to the passage of HB 231-FN.

- Senator Watters stated that after Dr. Russet's testimony, it seems that what we know now about the harm this causes is not what we knew before.
- Senator Watters asked if what we know now, that being the harm declawing causes, does this reinforce that declawing should be categorized under animal abuse or cruelty.
 - Dr. Russet confirmed that she could classify this procedure as animal cruelty.

Michelle Fransen-Conroy

Private Citizen, Former Veterinarian Technician

- Michelle Fransen-Conroy stated that she used to work in a local Concord Animal Hospital in the early 90s as a veterinarian technician.
- Ms. Fransen-Conroy stated that she has seen firsthand the post-surgery effects on cats who have been declawed.
 - Ms. Fransen-Conroy explained how the cats would be flailing around in their cage when they come out of anesthesia trying to remove the bandages wrapped around their paws.
 - Ms. Fransen-Conroy further explained how the cages would be covered in blood due to the cats flailing, and the cats would have to have their paws rewrapped.
 - Ms. Fransen-Conroy added that she observed this behavior numerous times.
 - Ms. Fransen-Conroy further added that it was horrible to listen to the sounds the cats would make post-surgery.

Joan O'Brien

Private Citizen

- Joan O'Brien presented articles to the committee that further enforce previous testimony on the lingering pain cats feel after being declawed.
- Ms. O'Brien stated that declawing cats is a frowned upon procedure in the veterinarian world.
- Ms. O'Brien stated that this procedure is still done today.
- Ms. O'Brien stated that prior to the hearing, she visited a vet adoption site that listed three cats available in New Hampshire who had been declawed.
- Ms. O'Brien stated New Hampshire has a no-kill policy, which means that animals that are surrendered to a shelter are re-homed.
 - Ms. O'Brien stated this to reinforce her point that, instead of declawing a cat, one could put it up for adoption as an alternative.
- Ms. O'Brien stated that those who wish to have a declawed cat should adopt an already declawed cat instead of subjected another cat to this practice.

Kurt Ehrenberg

New Hampshire Director, Humane Society

- Kurt Ehrenberg stated that the Humane Society views declawing as a cruel treatment.
- Dir. Ehrenberg stated that there are 17 states and communities across the United States that have adopted a similar law to HB 231-FN.
 - Dir. Ehrenberg added that most of Canada and Europe have made declawing illegal.

- Dir. Ehrenberg stated that the American Association of Feline Practitioners supports HB 231-FN and is opposed to the declawing of cats.
- Dir. Ehrenberg explained that declawing a cat is the same for humans as removing the finger right at the bottom where the hand meets the finger.
- Dir. Ehrenberg stated that we have heard testimony that claimed that a veterinarian would only perform this procedure only if it is medically necessary.
- Dir. Ehrenberg stated that the practice of declawing increases the risk of humans and their health because cats are more likely to bite or become aggressive post procedure.
- Dir. Ehrenberg stated that when a cat increases in aggression, they are more likely to be surrendered to a shelter.
- Dir. Ehrenberg stated that declawing has been outlawed recently in New York state, and they have not seen an increase in cats being surrendered to shelters.
- Senator Avarad asked for data to show that this is a common practice.
 - Dir. Ehrenberg stated that declawing is shameful.
 - Dir. Ehrenberg stated that he does not have the numbers and is not a statistician.
 - Dir. Ehrenberg noted that shelters do see declawed cats turn up frequently.
- Dir. Ehrenberg stated that declawing due to a medical necessity is not an issue if it is done responsibly, the issue that HB 231-FN addresses are those procedures that are done for cosmetic or aesthetic reasons.
 - Dir. Ehrenberg added that the issues are that there are fly-by-night veterinarians who perform this procedure and they do not come to testify either in the House or the Senate.
- Senator Watters asked if it would be fair to say, that while New Hampshire recognizes that pets are the property of their owners, that those property rights be abrogated if there is cruelty.
 - Dir. Ehrenberg confirmed that he believes so.
- Senator Watters stated that RSA 644:8 states that the docking of horse tails is abuse but that the docking of dog tails is not under this statute.
- Senator Watters asked then if there has been a determination that docking horse tails is abusive while the same procedure is not abusive to dogs.
 - Dir. Ehrenberg replied that he tends to agree with Senator Watters most of the time, but this time he does not know, and he would trust his judgement on that.
- Senator Watters asked if under New Hampshire's animal cruelty law that we prohibit disfigurement or mutilation and is it Dir. Ehrenberg's opinion that declawing without a medical need is mutilation.
 - Dir. Ehrenberg confirmed that he would agree.
- Senator Birdsell asked what would stop the veterinarians who perform the fly-by-night procedures if HB 231-FN is passed.
 - Dir. Ehrenberg replied that he has no idea.

Summary of testimony presented in opposition:

Doctor Jane Barlow Roy

New Hampshire Veterinary Medical Association

- Doctor Jane Barlow Roy stated that she is also the representative for New Hampshire to the house of delegates for the American Veterinary Medical Association (AVMA).
- Dr. Barlow Roy stated that the New Hampshire chapter of the AVMA has roughly 400 veterinarians who are members.
- Dr. Barlow Roy stated that the membership of the AVMA is divided on this topic.
 - Dr. Barlow Roy added that the AVMA has polled their membership for several years now on how they feel about declawing cats.
 - Dr. Barlow Roy noted that the results of the poll show about a 50/50 split in their membership, and that on both sides of the issue say the support or oppose the practice for a number of reasons.
- Dr. Barlow Roy stated a veterinarian is in the business of educating their clients.
 - Dr. Barlow Roy added that a veterinarian should let their customers know that there are alternatives to declawing their cat.
 - Dr. Barlow Roy listed the alternatives which included scratching posts and soft pads.
- Dr. Barlow Roy provided the committee with a letter of support for alternative options from the AVMA.
- Dr. Barlow Roy stated the AVMA at a state and national level have concerns that legislation and regulation will remove their members' ability to make judgements on medical care.
 - Dr. Barlow Roy added that legislation like HB 231-FN removes the option for medical care that they have worked hard to build, including the trust they build with their customers and patients.
- Dr. Barlow Roy stated that HB 231-FN, if passed, will disrupt the veterinary patient-client relationship, in that it will make certain decisions bring forth legal consequences.
- Dr. Barlow Roy stated that veterinarians have the discretion to elect to perform any procedure, whether it is declawing, spay and neuter, or even amputate a leg.
- Dr. Barlow Roy stated that a 2016 study conducted by the AVMA showed that around one procedure per month was performed in the entire country.
 - Dr. Barlow Roy added that in 2016, the AVMA had a membership of around ninety to one hundred thousand members.
- Dr. Barlow Roy concluded her testimony by stating that this subject is controversial but, the AVMA feels that HB 231-FN would severely hinder their ability to carry out appropriate medical care.
- Senator Pearl asked if declawing a cat is primarily performed for medical reasons.
 - Dr. Barlow Roy confirmed that it is.
 - Dr. Barlow Roy added that to the best of her knowledge the members of the AVMA do a good job educating clients on the alternatives to declawing.
- Senator Pearl asked if Dr. Barlow Roy felt that declawing was a more invasive procedure compared to spaying or neutering, and if the side effects from declawing differed to the side effects of other invasive procedures.
 - Dr. Barlow Roy replied that she did not think declawing was more invasive or had more severe side effects than spaying or neutering.
 - Dr. Barlow Roy added that any procedure performed runs the risk of an infection, or long-term pain.

- Dr. Barlow Roy listed the amputation of a limb due to cancer or the removal of an eye due to glaucoma to reinforce her point of similar procedures that potentially have long-term complications.
 - Dr. Barlow Roy reiterated that declawing is not a special case, every procedure is inherently painful and can have long-standing painful complications.
- Senator Pearl asked if it was Dr. Barlow Roy's opinion if declawing was outlawed, could it result in more cats being euthanized.
 - Dr. Barlow Roy replied that there always is the possibility of euthanasia.
 - Dr. Barlow Roy added that pets are euthanized for a variety of reasons and, there are times in a veterinarian's career where they do not necessarily agree with a pet's owner for euthanasia but, it is the owner's ultimate choice because pets are property.
 - Dr. Barlow Roy reiterated her earlier point that a veterinarian has a choice of whether to perform a procedure.
 - Dr. Barlow Roy further added that if a veterinarian works in a clinic or animal hospital that dictates that they perform procedures that contradict their own morals or beliefs, they always have a choice to leave their current place of work.
- Senator Birdsell asked if the NHAVMA could come out on their own with rules regarding declawing.
 - Dr. Barlow Roy replied that the NHAVMA is separate from the board of veterinary medicine.
 - Dr. Barlow Roy added that currently the board of veterinary medicine is in the process of rewriting their rules, but to the best of her knowledge the board is not considering declawing as one of their rules.
 - Dr. Barlow Roy noted that the AVMA follows the board of veterinary medicine's code of ethics which can be found on the AVMA's website.
 - Dr. Barlow Roy explained that the NHAVMA does not create any official rule making process, and they do not have their own position statements, they default to the AVMA's position statements.
- Senator Birdsell asked if the board of veterinary medicine could put forth rules concerning declawing.
 - Dr. Barlow Roy replied that it is something the board could put forth.
 - Dr. Barlow Roy reiterated that the AVMA is a separate entity from the board of veterinary medicine.
- Senator Watters noted that on Lines 6 and 7 of HB 231-FN, it states that this procedure can take place to address illnesses including infection, disease, injury or abnormal condition that comprises the cat's health.
- Senator Watters asked Dr. Barlow Roy if HB 231-FN was clear in its distinction between a medical condition and cosmetic aesthetic.
 - Dr. Barlow Roy replied that with all due respect, she questions who will be making the decision if it is a medical condition or not.
 - Dr. Barlow Roy asked if someone would go to a veterinarian or subpoena their medical records or talk to the pet owner to see if the procedure was carried out due to a medical condition.

- Dr. Barlow Roy added that she finds having the medical condition exception helpful, but that it comes down to who will be making the decision to declaw a cat, because it is between the owner and the veterinarian.
 - Dr. Barlow Roy further added that it would have to be someone outside of the veterinarian and pet owner relationship who raises an issue with the declawing.
 - Dr. Barlow Roy continued to add that subpoenaing a human medical record would be a HIPPA violation, and if she was subpoenaed for a pet's medical record, she would ask why someone needs that information.
- Senator Watters asked Dr. Barlow Roy if she did not believe the terminology “recurring illness, disease, injury, or abnormal condition in the claw that compromises the cat’s health” is clear to a veterinarian.
 - Dr. Barlow Roy replied that she goes back to her previous point of who is making the decision, if a veterinarian makes the decision with the owner than it is a clear decision, someone outside of the relationship would have to question the decision and use the court process to explore the decision.
- Senator Watters stated that it would be the Attorney General’s Office who would get involved.
- Senator Watters asked Dr. Barlow Roy if surgeries for the removal of an eye or limb due to an illness differ from declawing because, the procedure is a choice for cosmetic or aesthetic reasons or even convenience for the pet owner.
 - Dr. Barlow Roy replied that any surgery where you are altering a pet has a risk.
 - Dr. Barlow Roy noted that they try to mitigate the risk of infection by using anesthesia and subsequent pain medication, and antibiotics to treat infections.
- Senator Watters stated that the cause of the pain is something that’s distinctive.
 - Dr. Barlow Roy stated that we have an entire human medical industry that is focused on cosmetic surgery which have their own inherent risks.
 - Dr. Barlow Roy added that the inherent risk of human cosmetic surgery is no different to her than doing a surgical procedure for a true medical reason.
- Senator Watters asked if the cat has made the decision to have cosmetic surgery.
 - Dr. Barlow Roy replied that it is just as much as somebody has the decision of whether or not someone has the decision to get a nose job, it is the same type of cosmetic surgery.
- Senator Watters asked if Dr. Barlow Roy is implying that the cat made the choice to get the surgery.
- Senator Watters explained that a journal article published in the Journal of Beyond Medicine that outlines a study about significantly increasing in the various kinds of pains and conditions.
- Senator Watters asked Dr. Barlow Roy how she responds to the conclusion that proposes persistent back pain and discomfort due to declawing surgeries and the development of behavioral changes such as biting, aggression, and inappropriate elimination.
 - Senator Watters added that after reading this article wouldn’t it make sense to see declawing as animal cruelty.
 - Dr. Barlow Roy replied that declawing does not rise to the level of animal cruelty.
- Senator Watters stated that the committee is the one who decides if it is animal cruelty.

- Senator Pearl asked if spaying a female cat is an elective procedure.
 - Dr. Barlow Roy confirmed that it is.
- Senator Pearl stated that in statute a pet is an owner's property, and an owner is charged with making the medical decisions and some could be viewed as cosmetic.
- Senator Pearl asked Dr. Barlow Roy if she would agree that there is one part left out of HB 231-FN, and that is the medical necessity of this surgery for the owner of animal.
 - Dr. Barlow Roy replied that she cannot speak to the human medical aspects as she is a veterinarian and not a human doctor, but it is something that does come up in discussions.
 - Dr. Barlow Roy added that in talking to some owners who have declining medical health, they are concerned about being scratched or bit by their pets.
 - Dr. Barlow Roy further added that she can not comment if this should be in statute or not.
- Senator Pearl asked if it is Dr. Barlow Roy's belief that any elective surgery or any type of medical procedure on an animal is best left between the owner of the animal and the veterinarian, and not left to the legislature.
 - Dr. Barlow Roy confirmed that that is her belief.

Angela Ferrari

Dog Owners of the Granite State

- Angela Ferrari stated that her membership includes a number of cat owners and breeders.
- Ms. Ferrari stated that her organization feels that legislation intended to limit the professional judgment of veterinarians is inappropriate.
 - Ms. Ferrari added that lawmakers should not attempt to substitute their views on husbandry issues and veterinary medicine in general for those of a licensed professional trained in veterinary medicine.
- Ms. Ferrari stated that a lot of questions came up about the numbers of declaws that are happening.
 - Ms. Ferrari noted that we do not know the statistics.
- Ms. Ferrari stated that another comment that is made is that declawing is primarily performed for cosmetic reasons or convenience.
- Ms. Ferrari posed the question, that if we do not know the data or statistics than how do we know the reason for the procedure.
- Ms. Ferrari stated that animals do fall under property rights, so what procedures are done and why should be left up to the animal owner and the veterinarian.
- Ms. Ferrari stated that cat owners who are elderly and on blood thinners can face serious medical issues if they are scratched by their cat.
 - Ms. Ferrari added that declawing a cat would allow for a loving owner to be able to keep their cat.
- Ms. Ferrari reiterated the NHAVMA's testimony by stating that declawing is a rare procedure and many veterinarians do not offer this procedure.
 - Ms. Ferrari reiterated another point by stating that it is a clinic or veterinarians' choice of whether to perform this procedure or not.
- Ms. Ferrari stated that many years ago it was common to have your cat declawed when they are spayed or neutered.

- Ms. Ferrari added that as time has gone on, the practice has become less popular and is not performed unless it is medically necessary.
- Ms. Ferrari stated that an owner should be educated on what the full procedure fully entails and the alternatives to this procedure.
- Ms. Ferrari stated that there are concerns on who would attempt to get the information on why and how the cat was declawed.
- Ms. Ferrari stated that the NHAVMA discourages the declawing of cats.
- Ms. Ferrari stated that it is rare in college for veterinarian students to learn the declawing procedure, so the new wave of professionals would not have the training to carry out this procedure.
- Ms. Ferrari stated that a survey conducted by the AVMA of 273 cat owners who had their pet declawed, only one percent or three owners reported that their cats exhibited negative behavioral changes following the procedure.
- Ms. Ferrari stated that any surgery has risks.
- Ms. Ferrari stated that in 2022, New York and Maryland passed legislation similar to HB 231-FN.
- Ms. Ferrari stated that Arizona, Florida and Virginia all have killed legislation similar to HB 231-FN.

Neutral Information Presented: None

NPL

Date Hearing Report completed: April 3, 2023