



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** October 6, 2009

**To:** Honorable Mayor & City Council

**From:** Susan Healy Keene, AICP, Director of Community Development

**Subject:** Councilmember John Mirisch request to consider direction to staff to propose ordinance to restrict onychectomy (declawing) of cats.

**Attachments:** 1. Los Angeles Times Article of September 24, 2009, "Santa Monica, L.A. ask for animal declawing restrictions", by Anne Colby.

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### INTRODUCTION

Legislation approved on July 2, 2009 by the Governor of California enacts Senate Bill 762. This measure, commencing January 1, 2010, will prohibit a city or county from restricting any person from performing a procedure that falls within the scope of practice of a person licensed by the State Department of Consumer Affairs (DCA). Included in this prohibition is the adoption of a local law outlawing a veterinarian from conducting an onychectomy (a surgical procedure to permanently remove the nails of an animal).

### DISCUSSION

Although onychectomy is commonly expressed as the act of declawing domestic cats, the procedure is also done to other animals and pets, including dogs. Reasons of onychectomies range largely from necessary medical treatment to non-medical.

Staff has found that the City of West Hollywood is the only city in California that currently restricts cat declawing by local ordinance. The City of Santa Monica voted in September 2009 to draft an ordinance restricting the declawing of animals in the city. Similarly the City of Los Angeles and City of San Francisco are considering drafting an ordinance.

Another surgical alternative to onychectomy is a procedure known as digital flexor tendonectomy where the tendon to the cat's claw is severed which disables the cat's ability to extend or sharpen its claws. Alternatives to declawing cats for non medical reasons include behavioral training and a variety of products that cover or trim cat claws.

Any proposed ordinance after January 1, 2010 which proposes restrictions on any person from performing a procedure that falls within the scope of practice of a DCA licensed person (like a veterinarian) will be in direct violation of Senate Bill 762.

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**FISCAL IMPACT**

City staff and City Attorney time to develop and implement ordinance.

**RECOMMENDATION**

Staff recommends that City Council provide direction on:

1. Whether to prepare and present an ordinance before the end of the year.
2. If so, will the ordinance regulation be limited to the declawing of domestic cats or extend the regulation to other animals.
3. Including flexor tendonectomy in regulations.

Susan Healy Keene, AICP, Director  
of Community Development

  
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## Santa Monica, L.A. ask for animal declawing restrictions

September 24, 2009 | 1:15 pm

The Santa Monica City Council voted this week to draft an ordinance to restrict animal declawing in the city. Los Angeles is considering a similar proposal, as is San Francisco.

The motion, introduced by council members Kevin McKeown and Glean Davis, directs the city to have the ordinance in place by Dec. 31 because of a deadline imposed by a pending state law.

In Los Angeles, City Councilmen Paul Koretz and Bill Rosendahl this month presented a motion to ban onychectomy (declawing) or flexor tendonectomy on animals except to address the medical condition of the animal.

"We're going to go forward with making a major effort to see that this declawing business doesn't happen in the city of Los Angeles," Rosendahl said.

McKeown called cat declawing "an unacceptable act of animal cruelty."

The issue has gained urgency because of a law signed July 2 by Gov. Arnold Schwarzenegger that gives the state authority over medical scope-of-practice issues and prevents cities and counties from passing ordinances banning medical procedures starting Jan. 1.

Dr. Mark Nunez, president of the California Veterinary Medical Assn., which sponsored the state law, said his group is opposed to bans at the local level. "We believe that the decision to perform a medical or surgical procedure should be made by the owner of the cat in consultation with their veterinarian." The association represents more than 6,000 veterinary professionals in the state.

West Hollywood banned declawing except for medical purposes in 2003. The decision was overturned after a challenge by the veterinary association but was reinstated by a state appeals court in 2007. The state Supreme Court declined to hear the case. Under the new state law, West Hollywood's ban will stand, as would any other municipalities' bans that take effect before Jan. 1.

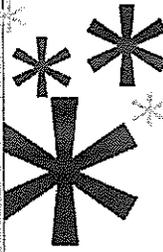
Madeline Bernstein, president of the Society for the Prevention of Cruelty to Animals of Los Angeles, said her group is not in favor of animal declawing but is neutral on the issue of city bans.

— Anne Colby

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