

Amendment No. 341

Assembly Amendment to Assembly Bill No. 209	(BDR 50-211)
Proposed by: Assembly Committee on Natural Resources	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

VDW/KCR



Date: 4/18/2021

A.B. No. 209—Prohibits the removal or disabling of the claws of a cat under certain circumstances. (BDR 50-211)





## ASSEMBLY BILL NO. 209—ASSEMBLYWOMEN MARTINEZ; AND GORELOW

MARCH 8, 2021

Referred to Committee on Natural Resources

SUMMARY—Prohibits the removal or disabling of the claws of a cat under certain circumstances. (BDR 50-211)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to animals; prohibiting a person from removing or disabling the claws of a cat by performing certain procedures except if necessary to address the physical medical condition of the cat; prohibiting the removal or disabling of the claws of a cat for cosmetic, aesthetic or convenience reasons; ~~requiring licensed veterinarians to submit certain statements regarding removing or disabling the claws of a cat;~~ imposing civil penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits various actions that result in cruelty to animals. (NRS 574.050-574.200) **Section 1** of this bill prohibits a person from removing or disabling the claws of a cat by performing or causing to be performed certain procedures, including declawing the cat. **Section 1** authorizes the removal or disabling of the claws of a cat if the procedure is necessary to address the physical medical condition of the cat, including addressing an existing or recurring illness, infection, disease, injury or abnormal condition, as determined by a licensed veterinarian. **Section 1** provides that a person shall not remove or disable the claws of a cat for cosmetic or aesthetic reasons or for reasons of convenience in keeping or handling the cat.

~~[—Section 1 requires a licensed veterinarian who determines that the removal or disabling of the claws of a cat is necessary to address the physical medical condition of the cat to: (1) prepare and file a written statement with the Nevada State Board of Veterinary Medical Examiners setting forth the purpose for performing the procedure and providing the name and address of the owner or keeper of the cat; and (2) provide a copy of the statement to the owner or keeper of the cat. Section 1 requires the statement to be provided to the Board before performing the procedure or, in the case of an emergency, not later than 5 days after performing the procedure.]~~

**Section 1** imposes the following civil penalties on any person who violates **section 1** by unlawfully performing or causing to be performed certain procedures for removing or disabling the claws of a cat: (1) for the first violation, a civil penalty of not more than \$1,000; (2) for the second violation, a civil penalty of not more than \$1,500; and (3) for the third or subsequent violation, a civil penalty of not more than \$2,500. ~~[Section 1 imposes the following civil penalties on any licensed veterinarian for a violation of section 1 related to the written statement required to be filed with the Nevada State Board of Veterinary Medical Examiners: (1) for the first violation, a civil penalty of not more than \$100; (2) for the second~~

violation, a civil penalty of not more than \$150; and (3) for the third or subsequent violation, a civil penalty of not more than \$250.] **Section 1** additionally provides that a licensed veterinarian who violates any provision of **section 1** is subject to disciplinary action by the Nevada State Board of Veterinary Medical Examiners. **Section 5** of this bill makes a conforming change by listing the violation of **section 1** as a ground for disciplinary action. **(NRS 638.140)** If the Board determines that a licensed veterinarian has violated **section 1**, the Board may: (1) refuse to issue a license; (2) refuse to renew a license; (3) revoke a license; (4) suspend a license for a definite period; (5) impose a fine of not more than \$10,000 for each act; (6) place a licensed veterinarian on probation; (7) administer a public reprimand; (8) limit the practice of the licensed veterinarian to specified branches of veterinary medicine; or (9) require the licensed veterinarian to take a competency examination or a mental or physical examination. (NRS 638.147)

**Sections 2, 3 and 4** of this bill make conforming changes to indicate the placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person shall not remove or disable the claws of a cat by performing or causing to be performed an onychectomy, partial or complete phalangectomy or tendonectomy procedure, or any other surgical procedure that prevents the normal functioning of the claws of a cat, on a cat within this State, except if necessary to address the physical medical condition of the cat, including, without limitation, addressing an existing or recurring illness, infection, disease, injury or abnormal condition in the claw of the cat that compromises the health of the cat, as determined by a licensed veterinarian. A person shall not remove or disable the claws of a cat for cosmetic or aesthetic reasons or for reasons of convenience in keeping or handling the cat.*

*2. [If a licensed veterinarian determines that it is necessary to remove or disable the claws of a cat to address the physical medical condition of the cat, as described in subsection 1, the licensed veterinarian shall, before performing the procedure or not later than 5 days after performing the procedure if the procedure is required in the case of an emergency:*

*— (a) Prepare and file a written statement with the Nevada State Board of Veterinary Medical Examiners setting forth the purpose for performing the procedure and providing the name and address of the owner or keeper of the cat; and*

*— (b) Provide a copy of the statement to the owner or keeper of the cat.*

*3. Any person who violates a provision of subsection 1 shall:*

*(a) For the first violation, pay a civil penalty of not more than \$1,000;*

*(b) For the second violation, pay a civil penalty of not more than \$1,500; and*

*(c) For the third or subsequent violation, pay a civil penalty of not more than \$2,500.*

*Any money collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.*

*4. Any licensed veterinarian who violates a provision of subsection 2 shall:*

*— (a) For the first violation, pay a civil penalty of not more than \$100;*

*— (b) For the second violation, pay a civil penalty of not more than \$150; and*

*— (c) For the third or subsequent violation, pay a civil penalty of not more than \$250.*

~~Any money collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.~~

~~5. 3. In addition to the penalties described in subsections 3 and 4, subsection 2, a licensed veterinarian who fails to comply with the provisions of this section is subject to disciplinary action by the Nevada State Board of Veterinary Medical Examiners pursuant to NRS 638.140.~~

~~6. 4. The Attorney General may recover the civil penalty for a violation of subsection 1 for 21 in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.~~

~~7. 5. As used in this section:~~

(a) "Cat" means a domestic cat of the species Felis catus or a hybrid of that species. The term includes, without limitation, a Savannah cat, Serengeti cat, Maine coon, Bengal cat or Chausie.

(b) "Licensed veterinarian" has the meaning ascribed to it in NRS 638.007.

(c) "Onychectomy" means any surgical procedure in which a portion of the paw of the cat is amputated to remove the claws of the animal. The term includes, without limitation, procedures commonly referred to as declawing.

(d) "Phalangectomy" means the excision of one or more of the phalanges of the paw of a cat.

(e) "Tendonectomy" means a procedure in which the tendons to the limbs, paws or toes of a cat are cut or modified so that the claws cannot be extended.

**Sec. 2.** NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~4~~, and section 1 of this act:

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

**Sec. 3.** NRS 574.200 is hereby amended to read as follows:

574.200 1. The provisions of NRS 574.050 to 574.510, inclusive, and section 1 of this act do not:

(a) Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

(b) Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

(c) Interfere with the right to kill all animals and fowl used for food.

(d) Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

(e) Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

(f) Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

2. Nothing contained in subsection 1 shall be deemed to exclude a research facility from the provisions of NRS 574.205.

**Sec. 4.** NRS 574.550 is hereby amended to read as follows:

574.550 1. Except as otherwise provided in subsections 2 and 3, a person who sells or attempts to sell, offers for adoption or transfers ownership of a live animal at a swap meet is guilty of a misdemeanor.

2. A person may sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet if:

(a) The swap meet is conducted in a county or incorporated city in this State that has adopted an ordinance authorizing the sale of live animals at a swap meet;

(b) The person sells, attempts to sell, offers for adoption or transfers ownership of the animal in accordance with the ordinance; and

(c) The ordinance, at a minimum:

(1) Includes provisions which are substantially similar to the provisions of NRS 574.360 to 574.510, inclusive, and are applicable to all animals offered for sale and all persons who sell, attempt to sell, offer for adoption or transfer ownership of an animal at the swap meet; and

(2) Does not authorize a person to commit an act of cruelty to an animal in violation of NRS 574.050 to 574.200, inclusive ~~§~~, *and section 1 of this act.*

3. The provisions of this section do not:

(a) Apply to any sale or transfer of ownership of any livestock.

(b) Apply to any event where the primary purpose is to sell or auction livestock or agricultural implements.

(c) Apply to any adoption of a dog or cat at an event held outdoors by an animal shelter or rescue organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(d) Apply to a person who offers for adoption or transfers ownership of a live animal at a swap meet if:

(1) A fee is not charged or collected for the adoption or transfer of ownership or otherwise in connection with the transaction; and

(2) The animal has had all the required vaccinations which are appropriate based upon the age of the animal.

(e) Exempt a person from complying with:

(1) Any requirement to obtain a license or other authorization to engage in a business in a county or incorporated city in this State; or

(2) Any other requirement of the county or incorporated city to engage in business or to sell, attempt to sell, offer for adoption or transfer ownership of a live animal at a swap meet.

4. As used in this section:

(a) "Livestock" has the meaning ascribed to it in NRS 569.0085.

(b) "Sell" means to barter, exchange, sell, trade, offer for sale, expose for sale, have in possession for sale, arrange the sale of or solicit for sale.

(c) "Swap meet" means a flea market, open-air market or other organized event at which two or more persons offer merchandise for sale or exchange.

**Sec. 5.** NRS 638.140 is hereby amended to read as follows:

638.140 The following acts, among others, are grounds for disciplinary action:

1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;

2. An alcohol or other substance use disorder;

3. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;

4. Incompetence;

5. Negligence;

6. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;

7. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;

8. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;

9. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;

10. Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;

11. Willful failure to accept service by mail or in person from the Board;

12. Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; ~~and~~

13. Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian ~~and~~; *and*

*14. Violation of a provision of section 1 of this act.*