LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 1087
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JANUARY 12, 2021

SUMMARY

Synopsis: Prohibits surgical declawing of cats and other animals.

Type of Impact: Annual revenue and expenditure increases to municipalities. Annual expenditure increases to counties. Annual State expenditure increases.

Agencies Affected: Judiciary; Department of Law and Public Safety; Department of Health; Office of the Public Defender; County and Municipal Governments

Office of Legislative Services Estimate

Annual Fiscal Impact	
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that municipalities may incur indeterminate annual expenditure increases related to law enforcement and adjudication activities associated with this bill as new cases enter the municipal court system. However, annual municipal revenue would increase in the form of additional court filing fees and penalties.

- Annual county expenditures could increase, as defendants would be sent to county jails for a disorderly persons offense per the provisions of the bill. The OLS lacks sufficient information to quantify the fiscal impact, as it is unclear as to how many individuals would be guilty of violating the provisions of the bill in any given fiscal year.

- The State may incur marginal annual expenditure increases for certain administrative tasks the Department of Health will perform under the bill along with an increase in costs to the State Board of Veterinary Medical Examiners to handle additional disciplinary actions.

BILL DESCRIPTION

This bill would prohibit a person from performing, or causing to be performed, an onychectomy (declawing) or flexor tendonectomy procedure by any means on a cat or other

animal, unless the procedure is deemed necessary for a therapeutic purpose by a licensed veterinarian. Any person who violates this provision would be guilty of a disorderly persons offense, which is punishable by a fine of up to $1,000, a term of imprisonment of up to six months, or both. A violator would also be subject to a civil penalty of between $500 and $2,000.

For purposes of the bill, the term "therapeutic purpose" means for purpose of necessity to address the medical condition of the animal, such as an existing or recurring illness, infection, disease, injury, or abnormal condition in a claw that compromises the animal's health. "Therapeutic purpose" would not include cosmetic or aesthetic reasons or reasons of convenience in keeping or handling the animal. Under the bill, whenever a licensed veterinarian determines that an onychectomy or flexor tendonectomy is necessary for a therapeutic purpose, the veterinarian would be required to file a written statement with the Department of Health, and provide a copy of that statement to the owner or keeper of the animal. A veterinarian who fails to comply with this provision would be subject to disciplinary action by the State Board of Veterinary Medical Examiners.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that under the bill, municipalities would incur indeterminate caseload and expenditure increases, as cases involving violations of this bill would be adjudicated in municipal courts. However, annual municipal revenue would increase in the form of additional court filing fees and penalties. The bill may also result in annual county expenditure increases, as defendants would be sent to county jails for a disorderly persons offense. A disorderly persons offense is punishable by a fine of up to $1,000, a term of imprisonment of up to six months, or both. A violator would also be subject to a civil penalty of between $500 and $2,000. Also, the State may incur marginal annual expenditure increases for certain administrative tasks the Department of Health will perform under the bill along with an increase in costs to the State Board of Veterinary Medical Examiners to handle additional disciplinary actions.

The OLS lacks sufficient information to quantify the fiscal impact of this bill, as it is unclear as to how many individuals would be guilty of violating the provisions of the bill in any given fiscal year in the State of New Jersey. According to data made available by the Humane Society of the United States, an estimated 94.2 million cats were living as pets in family homes in 2017-2018 nationwide. Certain estimates put the number of declawed cats at between 19 to 46 percent.

Section: *Judiciary*

Analyst: *Anuja Pande Joshi*
Assistant Research Analyst

Approved: *Thomas Koenig*
Assistant Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).