

REFERENCE TITLE: prohibition; cat declawing; exceptions

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2738

Introduced by
Representatives Shah: Bliss, Gress, Martinez, Nguyen, Terech, Senators
Bennett, Borrelli, Kavanagh, Rogers

AN ACT

AMENDING SECTION 32-2201, ARIZONA REVISED STATUTES; AMENDING TITLE 32,
CHAPTER 21, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION
32-2240.02; RELATING TO VETERINARIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-2201, Arizona Revised Statutes, is amended to
3 read:
4 32-2201. Definitions
5 In this chapter, unless the context otherwise requires:
6 1. "Animal" means any animal other than human.
7 2. "Board" means the Arizona state veterinary medical examining
8 board.
9 3. "Certified veterinary technician" means either:
10 (a) A graduate of a minimum two-year American veterinary medical
11 association accredited program in veterinary technology who has passed a
12 national and a state veterinary technician examination.
13 (b) A person who is certified on or before December 31, 2010
14 pursuant to the rules adopted by the board.
15 4. "Consulting" means providing professional or expert advice that
16 is requested by a veterinarian licensed in this state and that is rendered
17 only on a specific case basis.
18 5. "Controlled substance" means any substance that is registered
19 and controlled under the ~~federal~~ controlled substances act (P.L. 91-513).
20 6. "Cremation" means the heating process that reduces animal
21 remains to bone fragments by combustion and evaporation.
22 7. "Crematory" means a building or portion of a building that is
23 licensed pursuant to article 8 of this chapter and that houses a retort in
24 which only animal remains are cremated.
25 8. "DECLAWING" OR "ONYCHECTOMY" MEANS ANY SURGICAL PROCEDURE IN
26 WHICH A PORTION OF AN ANIMAL'S PAW IS AMPUTATED IN ORDER TO REMOVE THE
27 ANIMAL'S CLAWS.
28 ~~8.~~ 9. "Direct supervision" means that a licensed veterinarian is
29 physically present at the location where animal health care is being
30 performed.
31 ~~9.~~ 10. "Gross incompetence" means any professional misconduct or
32 unreasonable lack of professional skill in ~~the performance of~~ PERFORMING
33 professional practice.
34 ~~10.~~ 11. "Gross negligence" means treatment of a patient or
35 practice of veterinary medicine resulting in injury, unnecessary suffering
36 or death that was caused by carelessness, negligence or the disregard of
37 established principles or practices.
38 ~~11.~~ 12. "Indirect supervision" means that a licensed veterinarian
39 is not physically present at the location where animal health care is
40 being performed but has given either written or oral instructions for
41 ~~treatment of~~ TREATING the animal patient.
42 ~~12.~~ 13. "Letter of concern" means an advisory letter to notify a
43 veterinarian that, while there is insufficient evidence to support
44 disciplinary action, the board believes the veterinarian should modify or
45 eliminate certain practices and that continuation of the activities that

1 led to the information being submitted to the board may result in action
2 against the veterinarian's license.

3 ~~13.~~ 14. "Licensed veterinarian" means a person who is currently
4 licensed to practice veterinary medicine in this state.

5 ~~14.~~ 15. "Licensed veterinary faculty member" means a person who is
6 currently licensed to practice veterinary medicine as an employee of a
7 veterinary college in this state.

8 ~~15.~~ 16. "Malpractice" means treatment in a manner contrary to
9 accepted practices and with injurious results.

10 ~~16.~~ 17. "Medical incompetence" means lacking sufficient medical
11 knowledge or skills, or both, to a degree likely to endanger the health of
12 patients or lacking equipment, supplies or medication to properly perform
13 a procedure.

14 ~~17.~~ 18. "Negligence" means the failure of a licensed veterinarian
15 to exercise reasonable care in ~~the practice of~~ PRACTICING veterinary
16 medicine.

17 ~~18.~~ 19. "Regularly" means that veterinary services are offered to
18 the public once a month or more frequently.

19 ~~19.~~ 20. "Responsible veterinarian" means the veterinarian who is
20 responsible to the board for compliance by licensed veterinary premises
21 with the laws and rules of this state and of the federal government
22 pertaining to the practice of veterinary medicine and responsible for ~~the~~
23 ~~establishment of~~ ESTABLISHING policy at such premises.

24 ~~20.~~ 21. "Specialist" means a veterinarian who is certified as a
25 diplomate in a particular discipline by a national specialty board or
26 college recognized by the American veterinary medical association after
27 ~~the completion of~~ COMPLETING additional education and training, an
28 internship or residency, passing required examinations and meeting any
29 other criteria required by the various individual national specialty
30 boards or colleges.

31 ~~21.~~ 22. "Supervising veterinarian" means a licensed veterinarian
32 who is responsible for the care rendered to an animal by a certified
33 veterinary technician or a veterinary assistant.

34 ~~22.~~ 23. "Temporary sites" means sites where outpatient veterinary
35 services are performed.

36 24. "TENDONECTOMY" MEANS A PROCEDURE IN WHICH THE TENDONS TO AN
37 ANIMAL'S LIMBS, PAWS OR TOES ARE CUT OR MODIFIED SO THAT THE CLAWS CANNOT
38 BE EXTENDED.

39 25. "THERAPEUTIC PURPOSE":

40 (a) MEANS A PURPOSE THAT ADDRESSES AN EXISTING OR RECURRING
41 INFECTION, DISEASE, INJURY OR ABNORMAL CONDITION IN AN ANIMAL'S CLAW THAT
42 JEOPARDIZES THE ANIMAL'S HEALTH AND FOR WHICH ADDRESSING THE INFECTION,
43 DISEASE, INJURY OR ABNORMAL CONDITION IS A MEDICAL NECESSITY.

44 (b) DOES NOT INCLUDE A COSMETIC OR AESTHETIC PURPOSE OR THE PURPOSE
45 OF MAKING A CAT MORE CONVENIENT TO KEEP OR HANDLE.

1 ~~23.~~ 26. "Twenty-four hour services" means veterinary services when
2 a veterinarian is on the premises twenty-four hours a day.
3 ~~24.~~ 27. "Veterinarian" means a person who has received a ~~doctor's~~
4 DOCTORAL degree in veterinary medicine from a veterinary college.
5 ~~25.~~ 28. "Veterinarian client patient relationship" means all of
6 the following:
7 (a) The veterinarian has assumed the responsibility for making
8 medical judgments regarding the animal's health and need for medical
9 treatment and the client, owner or caretaker has agreed to follow the
10 veterinarian's instructions.
11 (b) The veterinarian has sufficient knowledge of the animal to
12 initiate at least a general or preliminary diagnosis of the animal's
13 medical condition. Sufficient knowledge is obtained when the veterinarian
14 has recently seen and is personally acquainted with the keeping and caring
15 of the animal as a result of examining the animal, when the veterinarian
16 makes medically appropriate and timely visits to the premises where the
17 animal is kept or when a veterinarian affiliated with the practice has
18 reviewed the medical record of such examinations or visits.
19 (c) The veterinarian is readily available for a follow-up
20 evaluation or the veterinarian has arranged for either of the following:
21 (i) Emergency coverage.
22 (ii) Continuing care and treatment by another veterinarian who has
23 access to the animal's medical records.
24 ~~26.~~ 29. "Veterinary assistant" means an individual who provides
25 care under the direct SUPERVISION or indirect supervision of a
26 veterinarian or certified veterinary technician.
27 ~~27.~~ 30. "Veterinary college" means any veterinary college or
28 division of a university or college that offers the degree of doctor of
29 veterinary medicine or its equivalent and that conforms to the standards
30 required for accreditation by the American veterinary medical association.
31 ~~28.~~ 31. "Veterinary faculty member" means a person who has
32 received a ~~doctor's~~ DOCTORAL degree in veterinary medicine from a
33 veterinary college and who is an employee of a veterinary college in this
34 state.
35 ~~29.~~ 32. "Veterinary medicine" includes veterinary surgery,
36 obstetrics, dentistry, acupuncture, manipulation and all other branches or
37 specialties of veterinary medicine and ~~the~~ prescribing, administering or
38 dispensing ~~of~~ drugs and medications for veterinary purposes.
39 ~~30.~~ 33. "Veterinary student" means a student who is regularly
40 enrolled in a veterinary college.

1 Sec. 2. Title 32, chapter 21, article 3, Arizona Revised Statutes,
2 is amended by adding section 32-2240.02, to read:

3 32-2240.02. Declawing, onychectomy or tendonectomy;
4 therapeutic purposes; records; civil penalty;
5 license suspension or revocation

6 A. A VETERINARIAN MAY PERFORM OR CAUSE TO BE PERFORMED THE
7 DECLAWING, ONYCHECTOMY OR TENDONECTOMY OF A CAT ONLY IF THE VETERINARIAN
8 IS LICENSED PURSUANT TO THIS CHAPTER AND THE PROCEDURE IS FOR A
9 THERAPEUTIC PURPOSE.

10 B. A VETERINARIAN WHO PERFORMS A DECLAWING, ONYCHECTOMY OR
11 TENDONECTOMY ON A CAT SHALL KEEP A RECORD OF THE PROCEDURE FOR AT LEAST
12 FOUR YEARS AFTER THE VETERINARIAN'S LAST CONTACT WITH THE CAT. THE RECORD
13 SHALL INCLUDE ALL OF THE FOLLOWING:

- 14 1. THE NAME AND ADDRESS OF THE CAT'S OWNER.
- 15 2. A PHYSICAL DESCRIPTION OF THE CAT.
- 16 3. THE DATE OF THE PROCEDURE.
- 17 4. THE REASON THE PROCEDURE WAS PERFORMED.
- 18 5. ANY DIAGNOSTIC OPINION AND ANY ANALYSIS OR TEST RESULT THAT
19 SUPPORTS THE DIAGNOSTIC OPINION.

20 C. NOTWITHSTANDING SECTION 32-2233, A VETERINARIAN WHO VIOLATES
21 SUBSECTION A OF THIS SECTION IS SUBJECT TO THE FOLLOWING:

- 22 1. A CIVIL PENALTY OF \$1,000 FOR A FIRST VIOLATION.
- 23 2. A CIVIL PENALTY OF \$1,500 FOR A SECOND VIOLATION.
- 24 3. A LICENSE SUSPENSION OR REVOCATION FOR A THIRD OR SUBSEQUENT
25 VIOLATION.