



The Cat Fanciers' Association, Inc.

"World's Largest Registry of Pedigreed Cats"

ADVOCACY IN ACTION

"... AND CATS"

Legislative Afterthought Can Create Concerns for Cat Lovers

Legislation written to resolve real or perceived dog problems sometimes drags cats into the legislative process. This may happen with new legislation, or with legislation originally written for dogs and later amended to include "...and cats" as part of the law. It may begin with problems with dogs running at large or a well-publicized dog attack. Laws may be proposed to deal with the problem but somewhere in the process the words "...and cats" gets added to the legislation. Little or no regard may be given to the behavioral, social, legal, biological and reproductive differences between the two species. Like a square peg in a round hole, dog legislation amended to include "... and cats" is often a poor fit.

In January 2006 a bill to create a "dog attack victim relief fund" was proposed in Illinois. The stated goal was to create a relief fund to reimburse victims and their families for medical bills, lost wages, and other damages resulting from serious physical injuries caused by a vicious dog attack¹. But the bill changed most of the existing Act to add "and cat" as well as "and ferret" to the vicious/dangerous dog laws. Under the proposed "dog attack victim relief fund" cats could now be considered "dangerous" and "vicious". How this would help victims of dog attacks is not clear.

For instance a cat would be deemed a "dangerous animal" if ("unmuzzled and unleashed") he poses an "imminent threat of serious injury to a person" or is a cat who injures another companion animal. A "vicious" cat is one who actually "causes physical injury" to a person. While some dog bites are serious, most cat-related injuries are minor scratches. There is no minimum injury set in the bill, so if Fluffy scratches the owner's hand while jumping for a ball or yarn, it could be considered vicious. A minor scratch to a friend or neighbor, or a frightened cat at a veterinary office could have become a pretty serious event in Illinois. The cat owner could, after a hearing, find themselves guilty of a felony, with the animal subject to "enclosure or euthanized".

The bill also would have expanded the dog leash law to prohibit any "companion animal" from being "at-large". Any cat at large and off leash could have been impounded, which may work for dogs but is often a death sentence for cats. This kind of law can lead to feral cats, stray cats and even owned free-roaming cats being rounded up and killed. The definition of feral cat would have been narrowed. The term "owner" could include a feral cat caretaker participating in a trap-neuter-return (TNR) program. This designation of "owner" would deter many from initiating TNR as it means increased liability, cat "registration" and complying with the "at-large" prohibition. An "owner" would be any person who knowingly permits an animal to remain on any premises occupied by the person.

Finally, the Illinois "dog attack victim relief fund" would have required cats be vaccinated for rabies, even though the 2004 National Rabies Compendium, just published in December, showed Illinois had zero cases in cats tested for rabies. Thanks to diligent efforts from cat lovers, most of the offending portions of the bill have been amended back to its stated purpose; to provide relief to victims of dog attacks.

A West Virginia bill, introduced in early 2006, seeks to add cats to the existing dog "head tax" lawⁱⁱ. The state's dog tax has remained unchanged since 1931. It calls for every dog to be taxed and tagged, and for any untagged dog to be picked up by humane officers and taken to county shelters. The bill calls for the creation of a cat tax by adding the words "...or cats" or "...and cats" peppered throughout the existing dog licensing law.

In addition to assessing a "personal property fee" for all cats over 6 months of age the bill authorizes county assessors to collect a "head tax" and obtain a complete description of the cat, name and address of the owner/harbinger and mandates that every registered cat shall at **all** times wear a registration tag. Failure to wear a tag will cause the cat to be "impounded, sold or destroyed". Of course, show cats never wear collars/tags and collars are not safe or practical for cats, especially feral cats. Stray cats, unowned and feral cats will be ignored rather than accepted into loving homes or managed by caregivers through Trap/Neuter/Return programs. The bill allows the county sheriff to impound a cat for which the tax is delinquent and after 15 days sell or kill the cat. The cat head tax, after the assessor's 10% commission is paid, goes into the "dog and kennel fund".

Even those agencies charged with enforcing the "...and cat" tax had questions about it's wisdom. One Humane Association director stated that the law, as it's written now, would make taxing and tagging cats a big problem for most shelters around the state that already are struggling to make ends meetⁱⁱⁱ. Steve Sluss, chief deputy and an attorney for the Kanawha County assessor's office, stated: "I just don't see how they're going to enforce it," "I put a collar on my cat and he came home the other day without it. They just don't want to wear them."^{iv} There seems to be little hope that cats in West Virginia will agree to wear dog license tags.

Federal legislation can also blur the distinctiveness between cats and dogs with a one-size-fits-all solution. The Pet Animal Welfare Statute of 2005 (PAWS) is touted as an attempt to improve enforcement of the Animal Welfare Act (AWA). In response to a perceived "loophole" in existing regulation of commerce in pets, the bill purports to "strengthen the ability of the Secretary of Agriculture to regulate the pet industry."

Whatever may be needed to strengthen regulation of large-scale commercial breeding, commercial breeding of cats simply does not exist to any great extent either at the wholesale or retail level. Commercial cat breeding on a large scale is neither a viable nor profitable business venture because of the well known vulnerability of cats to infectious diseases and stress-related factors. With respect to cats, PAWS is a solution without a problem, and the concept actually creates many problems for small to moderate cat breeders by applying standards that disregard the differences between dogs and cats.

The PAWS bill uses thresholds based on the American Kennel Club's idea of breeders with "high volume" activity for dogs, but does not take into consideration feline husbandry issues or reproductive physiology, which differ significantly from those of dogs. Dogs may be kept without being bred with little risk to the animals. Cats vary in cycling frequency, and for most breeds litters spaced every 8 to 9 months apart is adequate when considering the health of the cat. However, when female cycling is continuous, holding off cats from pregnancy can lead to health problems such as uterine infection, loss of body condition and stress-related conditions. Progressive uterine disease in an unmated female cat is also an important cause of infertility. This means that breeders with 4 or 5 female cats would have to be federally regulated.

With negligible commercial breeding of cats, for most local, hobby breeders of cats, their "facility" is their home and breeding cats are in bedrooms or wandering throughout mingling with spayed and neutered household pets. The Federal government is not well suited for inspection of hobby breeders who raise cats in their homes. For example, Federal regulations require that all flooring where animals are

kept be non-porous so it can be disinfected. This may be necessary for commercial breeders of dogs, but would require that hobby breeders of cats remove all carpeting or fabric covered furnishing from their homes. This is one of dozens of examples of how applying the AWA to cat breeders is putting square pegs in round holes.

Often the rationale for adding “and cats” to existing laws is to increase revenue by charging cat owners fees. But cats are not small dogs. Despite this simple truism many laws written in response to dog problems include cats without regard for the many differences between them. The problems related to cat population expenses for animal control agencies are primarily due to the numbers of unowned/free-roaming/feral cats who reproduce unchecked. The rate of sterilization of owned cats is considerably higher than that of owned dogs.^v Cat licensing may only hurt responsible cat owners without producing new revenue. As noted by the San Francisco Humane Society: "Cat licensing will cost local governments and taxpayers money, not raise it, resulting in a net loss to animal control and/or other vital government services. Indeed, we doubt whether revenues raised would even cover basic administrative expenses."^{vi}

While all cat lovers must be diligent in keeping alert for new laws that might harm cats or cat owners, the danger also exists that legislation aimed at resolving dog issues could add "...and cats" at almost any time. Without taking into account the dissimilarity between them, the words "...and cats" could have disastrous consequences for the cats and people who care for them.

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To correspond with the CFA Legislative Committee, please email Legislation@CFA.org

i Illinois Bill, HB 4367, "Vicious DOG Attack Victim Relief Fund Act"

ii West Virginia Bill, HB 4254

iii BILL AIMS TO TAX, TAG ALL FELINES, by Kris Wise, Charleston Daily Mail 02/01/2006

iv Id.

v American Pet Product Manufacturers Association (APPMA) National Pet Owners Survey 2005 (86% of cats spayed/neutered; 73% of dogs spayed/neutered.)

vi Cat Licensing: Analysis of Claims, San Francisco SPCA Position Statement, January 3, 1995.