



The Cat Fanciers' Association, Inc.

"World's Largest Registry of Pedigreed Cats"

Pets or Furpeople? Owners or Guardians?

Americans LOVE our pets. To be more specific, the American Pet Products Manufacturers Association says that 63.4 million households of Americans love 141 million dogs and cats (plus untold numbers of other sundry critters normally kept as pets). This love translates to an estimated \$31 Billion dollars in 2003 to keep them fed, vetted, trained, groomed, and just generally pampered. All of these numbers are steadily climbing.

Listen in at a vet's office or a grooming parlor or a dog park. The pets are often described as "my children," "my companions," "fur persons," "my four-legged babies," and many other designations that reflect how deeply the pet has become a part of family life. Because of this attitude, a movement to push the envelope has taken root, and threatens to undermine pet owners' rights and the well-being of the nation's pets. This movement is a giant Trojan horse rolling across the states, stopping in local Council chambers and in state legislatures.

Does language mean kindness or confusion?

The Trojan horse is taking on one of several different guises this year. The most prevalent, and seemingly innocuous, is to either change the term "pet owner" to "pet guardian" in all law in a jurisdiction, or to add it and call it interchangeable. This winter San Francisco became the only major city to join a handful of smaller cities, including West Hollywood and Berkeley, CA, Boulder, CO and others to adopt this change. The state of Rhode Island placed the "pet guardian" terminology into state law last year.

Thousands of pet owners have been lulled by supporters of this campaign into believing that nothing of significance was changed. Their assertion is that "guardian" is a benign sounding word that will improve society's treatment of animals and end their exploitation and abuse. However, this year the belly of the Trojan horse has opened, and the real intent is becoming clear. That intent is that ownership of animals should be ended, and that pets and other animals, including wildlife and food animals, be awarded the same legal protection that human children have. Some animal lovers might find this idea appealing until the real ramifications of such a move are known. Consider bills introduced in the early days of 2003 in Colorado, Rhode Island and California to begin to grasp what this "brave new world" might mean to people and their pets.

State of Colorado. Following on the heels of the city of Boulder passing the local ordinance to initiate the use of the term "pet guardian," the Trojan horse made its way to the state capitol. A measure, HB 03-1260, sponsored by Colorado State Rep. Mark Cloer would have allowed people to sue veterinarians and animal abusers and seek damages for "loss of companionship" up to \$100,000. Supporters said that this would elevate animals to a status greater than that of property. The bill also would have limited veterinarians from what was called "over-vaccinating." The bill suffered a firestorm of criticism in the media, especially from veterinarians who pointed out that such a measure would put veterinary care out of the financial reach of most pet owners as increased liability insurance would be recouped. The bill was also opposed by the Colorado Veterinary Medical Association, the American Humane Association and the Colorado Federation of Animal Welfare Agencies, as the ramifications became apparent. Sen. Steve Johnson said in an interview that it would complicate the veterinary-client decisions on what is the best care for pets, as it would create a three-way relationship. In response to the wide-spread criticism Rep. Cloer killed his own bill.

State of Rhode Island. As the only state to pass an ordinance changing pet "owners" to pet "guardians", supporters of the campaign to remove rights from people and grant them to government and agencies of government in pet matters, have made their agenda plain in 2003. A complete rewrite of the state's animal protection and husbandry law is included in H 5817. As with the withdrawn Colorado bill, this one would award "non-economic damages" - up to \$10,000 in cases in which the pet dies, as well as punitive damages of not less than \$1,000 and damages for "emotional distress and loss of companionship." Other provisions of this bill are patterned on crimes against persons, and the punishment levied is similar. For instance, there is a provision for "termination of unfit interest in an animal" for alleged conduct in violation of this act. Since "animal" is defined as "any nonhuman living creature", if a person should let his fish die ("aggravated animal neglect") or kills a mouse ("with malice aforethought") he is subject to felony animal cruelty. Likewise, still another provision suggests that if a person should injure a squirrel or other animal on the highway and fail to "render aid" or immediately stop to call the police or Animal Control (possibly causing traffic mishaps), that person could be charged with a misdemeanor. The motorist must ascertain the extent of the animal's injuries and give reasonable attention (perhaps getting bitten in the process). Supporters obviously believe that now that pet owners are merely "guardians", it should be easier to deprive them of their pets if some government entity should deem the guardian unfit.

State of California. While Colorado and Rhode Island legislators appeared to attempt to take giant steps toward this eliminating of legal distinctions between animals and people, the State of California is moving incrementally. Senate Bill 225 would also award "non-economic" damages of up to \$4,000 to dog or cat owners whose pet is killed because of another person's intentional or negligent actions. Unlike the Colorado bill, this would specifically exempt acts by "a licensed veterinarian for professional negligence."

State of California and City of West Hollywood, California. Billed in a newspaper interview as "a great first step to putting some teeth" into the change of terminology from pet "owner" to pet "guardian", Councilman John Duran proposed a ban on declawing cats. Following a public hearing the city attorney was directed to explore the possibility of a legal ban, and in the meantime Resolution No. 03-2827, "condemning the practice of animal declawing ... and urging the veterinarian community to encourage animal guardians to use other available techniques intended to avoid declawing."

Shortly after this municipal action, AB 395 was introduced in **Sacramento**, which would ban declawing of both domestic and large cats statewide.

Opponents of the declawing bans include CFA and other animal welfare groups who point out that such a ban might mean that immune compromised persons, those with bleeding disorders, and some elderly people could no longer keep pet cats, as well as apartment dwellers whose leases include a declaw requirement. Certainly the numbers of cats relinquished to shelters will increase, as well as the associated euthanasia rates. Veterinary medicine is continuously evolving, with new techniques and pain alleviation methods. The bottom line, CFA and others say, is that while declawing can be reduced and should not be performed routinely, lawmakers have no business interfering in valid medical procedures, the decision for which should remain between a pet owner and his or her veterinarian. (Note: AB 395 was defeated in Committee on April 29, 2003.)

CFA stands firmly behind the concept of property rights as the means by which we exercise our inherent obligations and freedom of choice that has marked our human-animal bond throughout time. We believe that pet *ownership* is the ideal way to protect our pets and to be called to account should we not care for them properly.

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