

JAN 19 2018

A BILL FOR AN ACT

RELATING TO FERAL CATS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that feral cats are non-
2 domesticated cats that typically live outdoors in colonies with
3 other feral cats. The fact that feral cats have not been
4 socialized to interact with humans makes it impractical to place
5 them into adoptive homes. Feral cat colonies create numerous
6 problems for the cats themselves, as well for as the communities
7 that find their presence to be a nuisance.

8 The legislature also finds that feral cats can reproduce at
9 an alarming rate. It is estimated that one unspayed female cat
10 and her unaltered offspring can produce more than four hundred
11 thousand cats within seven years. Although counties may attempt
12 to control the feral cat population by euthanizing feral cats,
13 euthanasia does not address the problem of exponential increases
14 in the cat population. When cats from a colony are euthanized,
15 they leave a vacuum that is filled when other unsterilized cats
16 enter the same colony and start reproducing.



1 The legislature further finds that the trap-sterilize-
2 return process is not only more humane than euthanization, but
3 less costly. In the trap-sterilize-return process, feral cats
4 are caught in humane traps, sterilized so that they can no
5 longer reproduce, and surgically ear-tipped or ear-notched on
6 one ear so that they may be easily identified as sterilized.
7 The process may also include removing fleas and vaccinating the
8 cats. When these sterilized cats are returned to their
9 colonies, unsterilized cats are less likely to take their place.
10 Thus, with the trap-sterilize-return process, colony populations
11 can reduce gradually over time.

12 The purpose of this Act is to promote the humane treatment
13 of feral cats by:

- 14 (1) Requiring the department of health to contract with a
15 nonprofit animal rescue group to oversee caretakers of
16 feral cats;
- 17 (2) Exempting registered caretakers of feral cats from
18 state and county laws relating to the feeding and
19 confinement of cats; provided that the caretakers are
20 registered with the contracted rescue group; and
- 21 (3) Establishing a trap-sterilize-return process.



SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER

FERAL CATS

§ -1 Definitions. As used in this chapter, unless the context clearly requires otherwise:

"Caretaker" means a person who provides or attempts to provide food and care to one or more feral cats within the State.

"Colony" means a group of feral cats that congregate and live together at a location within the State.

"Contracted rescue group" means the rescue group that has entered into a contract with the department of health pursuant to this chapter.

"Feral cat" means a cat that is not:

(1) Owned by any person, or has been abandoned by its owner; and

(2) Confined by any person to any real property.

"Registered caretaker" means a person who is registered as a caretaker pursuant to this chapter.



"Rescue group" means a society or organization that:

(1) Is incorporated and in good standing as a nonprofit corporation pursuant to chapter 414D;

(2) Is incorporated for the purpose of providing shelter to animals, promoting animal welfare, preventing cruelty to animals, or a substantially similar purpose;

(3) Euthanizes or arranges to euthanize an animal only when a licensed veterinarian determines that:

(A) The animal is suffering from an injury, terminal illness, or other health problem that severely affects the animal's quality of life; and

(B) Euthanization is necessary to alleviate the animal's suffering; and

(4) Is recognized by the Internal Revenue Service as a tax exempt organization under section 501(c)(3) of the Internal Revenue Code.

"Trap-sterilize-return process" means a process that includes capturing a feral cat, arranging for its sterilization, complying with other applicable standards, and subsequently releasing the cat.



1 § -2 Contracted rescue group responsibilities. By
2 January 1, , the department of health shall contract with a
3 rescue group to:

- 4 (1) Register caretakers of feral cats;
- 5 (2) Maintain records of the names and contact information
6 of registered caretakers;
- 7 (3) Submit an annual report to the department of health
8 that includes, at minimum:
 - 9 (A) The number of registered caretakers;
 - 10 (B) The number of feral cats captured by registered
11 caretaker;
 - 12 (C) The location of each known colony; and
 - 13 (D) An estimate of the number of feral cats in each
14 known colony that have been sterilized;
- 15 (4) Instruct and provide informational materials to each
16 registered caretaker regarding the care of feral cats
17 and the trap-sterilize-return process;
- 18 (5) Distribute humane feral cat traps to registered
19 caretakers at no cost or at a reasonable cost;
- 20 (6) Monitor registered caretakers' compliance with this
21 chapter and any rules adopted under this chapter;



(7) Revoke the registration of any caretaker who fails to comply with this chapter or any rules adopted under this chapter; and

(8) Develop and distribute information and plan events to educate the general public on the care of feral cats and the trap-sterilize-return process.

§ -3 Registered caretaker privileges. Notwithstanding any other law to the contrary, a registered caretaker shall be exempt from any state law or county ordinance that:

(1) Prohibits or requires a permit for the feeding of stray animals;

(2) Mandates the confinement of cats; or

(3) Limits the number of animals that a person may own, harbor, or have custody of;

provided that this section shall not be construed to limit the enforcement of any law or ordinance prohibiting cruelty to animals if enforcement is not solely based on the fact that the registered caretaker is feeding feral cats in a public or private location.

§ -4 Registered caretaker responsibilities; trap-sterilize-return process. (a) A registered caretaker who



1 elects to participate in the trap-sterilize-return process
2 shall:

- 3 (1) Use humane cat traps that, when used properly and in
4 good working order, do not cause harm to cats;
- 5 (2) Not leave a set cat trap unattended for more than four
6 hours;
- 7 (3) Not leave a cat trap unattended for more than a
8 reasonable time if the caretaker knows that the cat
9 trap contains a cat;
- 10 (4) Have each captured feral cat sterilized by a licensed
11 veterinarian;
- 12 (5) Have the left ear of each captured male feral cat
13 tipped or notched;
- 14 (6) Have the right ear of each captured female feral cat
15 tipped or notched;
- 16 (7) Have each captured feral cat:
 - 17 (A) Examined and treated for flea infestation; and
 - 18 (B) Vaccinated from communicable diseases;
- 19 (8) After following the procedures in paragraphs (4)
20 through (7), as applicable, return the cat to the



1 location where the caretaker initially captured the
2 cat; and

3 (9) Maintain a log of the number of cats the caretaker has
4 caused to complete the trap-sterilize-return process,
5 and submit a copy of the log to the contracted rescue
6 group not less than once monthly;

7 provided that a caretaker shall not be required to comply
8 with paragraphs (5) through (7) if compliance is cost-
9 prohibitive.

10 (b) A registered caretaker shall be exempt from any
11 requirement of subsection (a) if the requirement would adversely
12 affect the health of a feral cat or if a licensed veterinarian
13 determines that a feral cat should be euthanized because:

14 (1) The animal is suffering from an injury, illness, or
15 other health problem that severely affects the
16 animal's quality of life; and

17 (2) Euthanization is necessary to alleviate the animal's
18 suffering.

19 (c) A registered caretaker shall comply with:

20 (1) This chapter and rules adopted under this chapter; and



S.B. NO. 2435

1 (2) All state laws and county ordinances that prohibit
2 cruelty to animals.

3 § -5 Rules. Not later than January 1, , the
4 department of health shall adopt rules, pursuant to chapter 91,
5 necessary for the purposes of this chapter."

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY: Clarence D. Rushkern B/R



S.B. NO. 2435

Report Title:

Feral Cats; Sterilization; DOH; Animal Recuse Group

Description:

Requires the Department of Health to contract with a nonprofit animal rescue group to oversee caretakers of feral cats. Exempts registered caretakers of feral cats from state laws and county ordinances relating to the feeding and confinement of cats. Establishes a trap-sterilize-return process.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

