

Legislation and Your Cat



By
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Authors note: This article is meant as information only. Breeders and owners are strongly urged to check their state and local ordinances to make sure their cats are legal. This article is not meant to be legal advice and should not be interpreted as the same. It applies to all non-domestic source hybrid cats, including Bengals, Chaussies, Savannahs, Serengetis, and Safari cats.

You have a cat, you live with it, it is a family member, your kids love it, maybe you even show it...it is your pet. Is the law something you need to be worried about? Surely no one would prohibit your from having your pet? Right?

If you own a non-domestic source hybrid cat, the answer is, unfortunately, "Yes." Even breeds that have been recognized for years by The International Cat Association (TICA), such as the Bengal, are subject to restriction and regulation in some states, counties, and cities. The laws can be clear, can be vague, or can contain outright bans on your cats. Having a Bengal, Chaussie, Savannah, Serengeti, or Safari cat (a non-domestic source hybrid cat--hereafter referred to simply as a "Bengal" in this document) can place you in violation of the law depending on where you live. As an owner, it pays to be aware of the laws in your state, county, and/or city and understand how they are interpreted and what they mean.

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Non-Hybrid Friendly States

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New York State and City

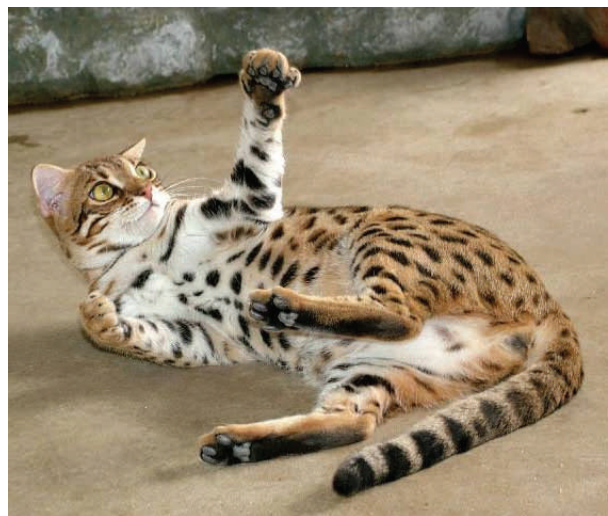
Following an incident wherein someone had a tiger in their apartment, Bengals became heavily regulated within New York State and New York City. This legislation effectively outlaws Bengals of the F1-F4 generation in the State of New York. The City of New York bans all Bengals. In New York, there was a window of opportunity wherein an owner of a Bengal could obtain a permit for their cat, but that window closed several years ago. Now you cannot obtain a permit for your cats under any circumstance. New York is not the place to be with Bengal cats.

The New York state law provides as follows:

§ 11-0103. Definitions.

"Wild animal" shall not include "companion animal" as defined in section three hundred fifty of the agriculture and markets law. Wild animal includes, and is limited to, any or all of the following orders and families:

- (1) Nonhuman primates and prosimians,
- (2) Felidae and all hybrids thereof, with the exception of the species *Felis catus* (domesticated and feral cats, which shall mean domesticated cats that were formerly owned and that have been abandoned and that are no longer socialized, as well as offspring of such cats) and hybrids of *Felis catus* that are registered by the American Cat Fanciers Association or The



Calcatta Starlette

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International Cat Association provided that such cats be without any wild felid parentage for a minimum of five generations,

New York City law completely bans all hybrids, as seen below:

Rules of the City of New York -
Title 24

Department of Health

§161.01 Wild animals prohibited.

(a) No person shall sell or give to another person, possess, harbor or keep wild animals identified in subsection (b) of this section or in regulations promulgated by the Commissioner pursuant to subsection (e) of this section other than in:

- (1) A zoological park or aquarium operated by the Department of Parks, by the Wildlife Conservation Society, or by the Staten Island Zoological Society; or
- (2) A laboratory operated pursuant to §504 of the Public Health Law; or
- (3) A circus or native wildlife rehabilitator licensed by federal or state agencies; or
- (4) A place which has received the approval of the Department to exhibit or use such animals, and which has protective devices which are adequate to prevent such animal from escaping or injuring the public. The Department may impose reasonable conditions and time limits on the granting of such approval.

(b) For the purposes of this Code, wild animals are deemed to be any animals which are naturally inclined to do harm and capable of inflicting harm upon human beings and are hereby prohibited pursuant to subsection (a). Such animals shall include:

- (i) any animals specified by the Commissioner in regulations promulgated pursuant to this section;
- (ii) any native or exotic wildlife whose possession or sale is prohibited because they are designated as protected or

endangered pursuant to any federal, state or local law, regulation, or rule; and

(iii) any of the following animals: All dogs other than domesticated dogs (*Canis familiaris*), including, but not limited to, wolf, fox, coyote, hyaena, dingo, jackal, dhole, fennec, raccoon dog, zorro, bush dog, aardwolf, cape hunting dog and any hybrid offspring of a wild dog and domesticated dog.

(2) All cats other than domesticated cats (*Felis catus*), including, but not limited to, lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, caracal, jaguarundi, margay and any hybrid offspring of a wild cat and domesticated cat.

(c) In addition to domesticated dogs and cats, an animal may be kept, possessed, harbored or sold in the City of New York provided that possession of the animal is not otherwise prohibited by law, including federal, state and local laws regulating domestic animals and livestock or protecting wildlife and endangered species. Such animals include, but are not limited to, gerbil,



Callista Luna

hamster (*Mesocricetus auratus*), guinea pig, domesticated rabbit and fowl or small birds such as parakeet, parrot, canary and finch.

(d) An animal whose possession is prohibited pursuant to this section may be seized by any authorized employee, officer or agent of the Department or of any other agency of the City of New York, and the Commissioner shall provide for such animal's appropriate disposition.

(1) An order issued by the Commissioner pursuant to this section shall contain a notice that the owner of such animal may, within three business days of receipt of the order, request an opportunity to be heard with respect to whether the animal is a prohibited animal and its appropriate disposition. The Commissioner shall provide such an opportunity to be heard as soon as practicable, but no later than 15 days after receipt of such request.

(2) With the written consent of the Department, an owner of any animal whose possession is prohibited pursuant to this section, may remove such animal to another jurisdiction where its possession is not prohibited pursuant to any local or other law.

Georgia

The second place you do not want to be is the State of Georgia. State law bans all non-domestic source hybrids, EXCEPT F4 and lower (i.e., F5, F6, etc.) Bengals. You cannot get a permit.

Title 27, Chapter 1-2 (75)"Wild animal" means any animal which is not wildlife and is not normally a domestic species in this state. This term specifically includes any hybrid or cross between any

There are a few websites out there which are relatively up to date and can at a minimum point you in the right direction for finding out the laws in your state, county, and/or city.

HYBRID LEGISLATION CONTINUED

combination of a wild animal, wildlife, and a domestic animal. Offspring from all subsequent generations of such crosses or hybrids are wild animals.

SECTION 1.

Code Section 27_5_5 of the Official Code of Georgia Annotated, relating to wild animals for which a license or permit is required, is amended by striking subparagraph (b)(1)(K) and inserting in lieu thereof the following:

"(K) Order Carnivora (weasels, ferrets, cats, bears, wolves, etc.) — All species, except that a European ferret (*Mustela putorius furo*) or a domestic Bengal cat may be sold, purchased, exhibited, or held as a pet without a license or permit; provided, however, that the ferret owner can provide valid documentation that the ferret was sexually neutered prior to seven months of age and is vaccinated against rabies with a properly administered vaccine approved for use on ferrets by the United States Department of Agriculture; and provided further that as used in this subparagraph, the term 'domestic Bengal cat' shall include only the hybrid offspring of Asian leopard cats (*Felis bengalensis*) which have been recognized by registration in a national cat fancy organization as the domestic breed of Bengal cat, provided such registration shall not include any animal less than four generations removed from an Asian leopard cat;"

Massachusetts

The State of Massachusetts also regulates F1-F2 Bengals:

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XIX. AGRICULTURE AND CONSERVATION

CHAPTER 131. INLAND FISHERIES AND GAME AND OTHER NATURAL RESOURCES

Chapter 131: Section 77A. Wild canid and felid hybrids

Section 77A. No person shall possess, sell, trade, breed, import, export or release a wild canid hybrid or wild felid hybrid, except as otherwise provided by rules and regulations of the division. Any mammal which is the offspring of the reproduction between any species of wild canid or hybrid wild canid and a domestic dog or hybrid wild canid, or is represented by its owner to be a wolf hybrid, coyote hybrid, coy dog or any other kind of wild canid hybrid, or which is the offspring of the reproduction between any species of wild felid or hybrid wild felid and a domestic cat or hybrid wild felid or is represented by its owner to be a wild felid hybrid. All mammals shall be considered to be wild mammals and subject to the provisions of this chapter. The provisions of this act shall not apply to an owner or



other person possessing any such animal as of January first, nineteen hundred and ninety-four who has received a permit from the director; provided, however, that such permit has been acquired on or before July thirty-first, nineteen hundred and ninety-four. Such owner or other person shall be subject to the rules and regulations promulgated by the division. Such rules and regulations may include, but shall not be limited to, provisions for the housing of such animals. The provisions of this section shall not apply to an owner or person possessing a domesticated show or pet cat registered with a nationally or internationally recognized breeding association or registry which certifies the pedigree and registration of such cat to be without any wild felid parentage for a minimum of three generations.

Note that they also need to be registered and have the ability for the registry to produce a three generation pedigree.

Iowa

Iowa set forth rules heavily regulating Bengals as well in 2007.

CHAPTER 717F DANGEROUS WILD ANIMALS

717F 1.DEFINITIONS

. a."Dangerous wild animal" means any of the following:
3)A member of the family felidae of the order carnivora, including but not limited to lions, tigers, cougars, leopards, cheetahs, ocelots, and servals. However, a dangerous wild animal does not include a domestic cat.

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HYBRID LEGISLATION CONTINUED

b. "Dangerous wild animal" includes an animal which is the offspring of an animal provided in paragraph "a", and another animal provided in that paragraph or any other animal. It also includes animals which are the offspring of each subsequent generation. However, a dangerous wild animal does not include the offspring of a domestic dog and a wolf, or the offspring from each subsequent generation in which at least one parent is a domestic dog.

717F.3 DANGEROUS WILD ANIMALS – PROHIBITIONS.

Except as otherwise provided in this chapter, a person shall not do any of the following:

1. Own or possess a dangerous wild animal.

Cause or allow a dangerous wild animal owned by a person or in the person's possession to breed.

717F.4 OWNING OR POSSESSING DANGEROUS WILD ANIMALS

ON JULY 1, 2007.

A person who owns or possesses a dangerous wild animal on July 1, 2007, may continue to own or possess the dangerous wild animal subject to all of the following:

1. The person must be eighteen years old or older.

2. a. The person must not have been convicted of an offense involving the abuse or neglect of an animal pursuant to a law of this state or another state, including but not limited to chapter 717, 717B, 717C, or 717D or an ordinance adopted by a city or county.

b. The department, another state, or the federal government must not have suspended an application for a permit or license or revoked a permit or license required to operate a commercial establishment for the care, breeding, or sale of animals, including as provided in chapter 162.

c. The person must not have been convicted of a felony for an offense committed within the last ten years, as provided by this Code, under the laws of another state, or under federal law.

d. The person must not have been convicted of a misdemeanor or felony for an offense committed within the last ten years involving a controlled substance as defined in section 124.101 in this state, under the laws of another state, or under

federal law.

3. Within sixty days after July 1, 2007, the person must have an electronic identification device implanted beneath the skin or hide of the dangerous wild animal, unless a licensed veterinarian states in writing that the implantation would endanger the comfort or health of the dangerous wild animal. In such case, an electronic identification device may be otherwise attached to the dangerous wild animal as required by the department.

4. Not later than December 31, 2007, the person must notify the department using a registration form prepared by the depart-

ment. The registration form shall include all of the following information:

a. The person's name, address, and telephone number.

b. A sworn affidavit that the person meets the requirements necessary to own or possess a dangerous wild animal as provided in this section.

c. A complete inventory of each dangerous wild animal which the person owns or possesses. The inventory shall include all of the following information:

(1) The number of the dangerous wild animals according to species.

(2) The manufacturer and manufacturer's number of the electronic device implanted in or attached to each dangerous wild animal.

(3) The location where each dangerous wild animal is kept. The person must notify the department in writing within ten days of a change of address or location where the dangerous wild animal is kept.

How do you explain your side to an elected official? Come armed with knowledge, testimonials, and pictures! Take a copy of the USDA definition with you. Take a cat show catalogue with you that shows your breed as being judged or exhibited. Ask for a letter from a TICA representative, a member or the Legislative Committee, your Regional Director, or the President of TICA.



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(4) The approximate age, sex, color, weight, scars, and any distinguishing marks of each dangerous wild animal.

(5) The name, business mailing address, and business telephone number of the licensed veterinarian who is responsible for providing care to the dangerous wild animal. The information shall include a statement signed by the licensed veterinarian certifying that the dangerous wild animal is in good health.

(6) A color photograph of the dangerous wild animal.

(7) A copy of a current liability insurance policy as required in this section. The person shall send a copy of the current liability policy to the department each year.

5. The person must pay the department a registration fee as

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provided in section 717F.8.

6. The person must maintain health and ownership records for the dangerous wild animal for the life of the dangerous wild animal.
7. The person must confine the dangerous wild animal in a primary enclosure as required by the department on the person's premises. The person must not allow the dangerous wild animal outside of the primary enclosure unless the dangerous wild animal is moved pursuant to any of the following:
 - a. To receive veterinary care from a licensed veterinarian.
 - b. To comply with the directions of the department or an animal warden.
 - c. To transfer ownership and possession of the dangerous wild animal to a wildlife sanctuary or provide for its destruction by euthanasia as required by the department.
8. The person must display at least one sign on the person's premises where the dangerous wild animal is kept warning the public that the dangerous wild animal is confined there. The sign must include a symbol warning children of the presence of the dangerous wild animal.
9. The person must immediately notify an animal warden or other local law enforcement official of any escape of a dangerous wild animal.

Always remember that at a public hearing (vs. a private meeting) there is strength in numbers. Bring as many friends as you can and make sure you each give a non-emotional, stick-to-the-facts presentation. You can say how much you love your cats, but carrying on in a non-professional manner does not work.

10. The person must maintain liability insurance coverage in an amount of not less than one hundred thousand dollars with a deductible of not more than two hundred fifty dollars, for each occurrence of property damage, bodily injury, or death caused by each dangerous wild animal kept by the person.

11. The person who owns or possesses the dangerous wild animal is strictly liable for any damages, injury, or death caused by the dangerous wild animal. The person must reimburse the department or other public agency for actual expenses incurred by capturing and maintaining custody of the dangerous wild animal.

12. If the person is no longer able to care for the dangerous wild animal, all of the following apply:

- a. The person must so notify the department, stating the planned disposition of the dangerous wild animal.

- b. The person must dispose of the dangerous wild animal by transferring ownership and possession to a wildlife sanctuary or providing for its destruction by euthanasia as required by the department.

Alaska

Alaska bans Bengals unless they are four generations removed from the wild ancestor.

- c) It is unlawful, without a permit issued by the department, for a person to possess, transport, sell, advertise or otherwise offer for sale, purchase, or offer to purchase a wild cat hybrid.



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(d) It is an affirmative defense to a prosecution for illegal possession of a wild cat hybrid) but not a prosecution for illegal sale, or advertising or otherwise offering for sale under this section) that

(1) the animal is licensed as required in the jurisdiction of residence, has a registered pedigree showing the previous four generations, and these records are available for inspection by animal control officers and other government or regulatory officials; and

(2) the animal is at least four generations removed from a wild ancestor.

(e) For the purposes of this section,

(1) "immediate family member" has the meaning given in AS 39.52.960;

(2) wild cat hybrid includes

(A) the offspring from a mating of a domestic cat (*Felis catus*) or wild cat hybrid with any species of wild cat or hybrid of a wild cat and domestic cat in the previous four generations; and

(B) an animal represented to be a wild cat hybrid by any name or description;

Hawaii

Hawaii also bans Bengals.

Section §4-71-6 of the Hawaii Department of Agriculture Administrative Rules contains the Prohibited Animal List. Non-domestic hybrid cats are specially mentioned under "Mammals" as follows:

Felis catus crossed with lynx, ocelot, margay, puma, jaguarandi, bobcat, leopard cat, wild cat, etc. cat, hybrid; (all hybrid- crosses where one or both parents are prohibited or restricted).

Delaware

Delaware enacted a ban on hybrid cats in January 2010.

DEPARTMENT OF AGRICULTURE DIVISION OF ANIMAL HEALTH AND FOOD PRODUCTS INSPECTION Statutory Authority:

HYBRID LEGISLATION CONTINUED

3 Delaware Code, Section 7202 (3 Del.C. §7202) 3 DE Admin. Code 304 FINAL 304 Exotic Animal Regulations provides in pertinent part:

3.0

"Hybrid of a wild mammal" means a mammal whose parents are different varieties of the same species or belong to different but closely allied species, one parent being a wild mammal not native to or generally found in Delaware and the other parent being a domestic mammal native to or generally found in Delaware.

There is a permit process for having an exotic animal in Delaware, it can be found in Paragraphs 6.0 and 7.0 of 3 DC, Section 7202, 3 DE Admin Code 304. The link to read the Code online is <http://regulations.delaware.gov/register/january2010/final/13%20DE%20Reg%20926%2001-01-10.pdf>.

Connecticut

The State of Connecticut also has a ban on Bengal cats:

CHAPTER 490

FISHERIES AND GAME Sec. 26-40a. Possession of potentially dangerous animal. Bill for costs of confiscation. Civil penalty. For the purposes of this section, the following wildlife, or any hybrid thereof, shall be considered as potentially dangerous animals: The felidae, including, but not limited to, the lion, leopard, cheetah, jaguar, ocelot, jaguarundi cat, puma, lynx and bobcat; the canidae, including, but not limited to, the wolf and coyote; and the ursidae, including, but not limited to, the black bear, grizzly bear and brown bear. No person shall possess a potentially dangerous animal. Any such animal illegally possessed may be ordered seized and may be disposed of as determined by the Commissioner of Environmental Protection. The Department of Environmental Protection shall issue a bill to the owner or person in illegal possession of such potentially dangerous animal for all costs of seizure, care, maintenance and disposal of such animal. Additionally, any person who violates any provision of this section shall be assessed a civil penalty not to exceed one thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Commissioner of Environmental Protection may request the Attorney General to institute an action in Superior Court to recover such penalty and any amounts owed pursuant to a bill issued in accordance with this section. The provisions of this section shall not apply to municipal parks, zoos and nature centers, or museums, laboratories and research facilities maintained by scientific or educational institutions; to a person possessing a Bengal cat certified by an internationally recognized multiple-cat domestic feline breeding association as being without wild parentage for a minimum of four prior generations which cat was registered with the Commissioner of Agriculture on or before October 1, 1996, provided no such cat may be imported into this state after June 6, 1996; or to persons possessing animals legally on or before May 23, 1983. In any action taken by any official of the state or any municipality to control rabies, a Bengal cat shall be

considered not vaccinated for rabies in accordance with accepted veterinary practice.

Indiana

Indiana clearly regulates Exotic Cats and appears to regulate hybrids as well. Indiana residents report that a permit is necessary only for an first generation hybrid (F1) the law has no specific provision excepting later filial generations, however, owners in Indiana may have memoranda from state officials as to the exception of later filial generations. I have been unable to obtain copies of any such memoranda.

The Indiana Code is as follows:

312 IAC 9-3-18.5 Exotic mammals

Authority: IC 14-22-2-6; IC 14-22-32-6 Affected: IC 14-8-2-278; IC 14-22; IC 15-17-5

Sec. 18.5. (a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:

(2) Bovidae (gazelle, bighorn sheep, antelope, and wildebeest), except for domestic cattle (genus *Bos*, including all dairy and beef animals) and buffalo (*Bison bison*). (3) Camelidae (camel and llama). (4) Canidae (jackal, wild dog, and other exotic foxes). (5) Cebidae (marmoset). (6) Cercopithecidae (baboon and monkey). (7) Cervidae (elk, moose, caribou, and other exotic deer). (8) Dasypodidae (armadillo). (9) Elephantidae (elephant). (10) Equidae (wild horse and zebra), except for domestic horses. (11) Felidae (mountain lion, lynx, tiger, and other exotic cats). (12) Giraffidae (giraffe and okapi). (13) Hippopotamidae (hippopotamus). (14) Hyaenidae (hyaena). (15) Macropodidae (kangaroo and wallaby). (16) Myrmecophagidae (anteater). (17) Orycteropodidae (aardvark). (18) Pongidae (chimpanzee, bonobo, and gorilla). (19) Procaviidae (hyrax). (20) Protelidae (aardwolf). (21) Rhinocerotidae (rhinoceros). (22) Suidae (wild boar and other exotic swine), except for domestic swine. (23) Tapiridae (tapir). (24) Tayassuidae (javelina and peccary). (25) Tragulidae (chevrotain). (26) Ursidae (bear). (27) A hybrid or genetically altered mammal of any of these families.

Exempted from this section are the following species of mammals that are not considered to be exotic mammals: white-tailed deer, bobcat, red fox, gray fox, and coyote.

Utah

There has been controversy recently as to if Utah also bans non-domestic hybrid cats. As the law currently stands Utah does not ban them, despite one government employee erroneously stating the same to some Bengal and Savannah owners.

MAJOR U.S. CITIES WITH BANS ON BENGALS

As previously noted, the City of New York bans all Bengals. It is not the only one. The following cities also have bans in place:

HYBRID LEGISLATION CONTINUED

Seattle, Washington

All generations are illegal within the Seattle City Limits. Seattle Municipal Code 9.25.020 states in pertinent part:

M. "Exotic animal" means any species of animal that is both: 1) not a domestic animal, and 2) capable of killing or seriously injuring a human being. Subject to the preceding sentence, the definition of "exotic animal" contained in this section includes but is not limited to:

1. All animals of the order Primates (as primates) except humans;
2. All animals of the family Canidae (as dogs, wolves, jackals, or foxes) and their hybrid, except for the domestic dog *Canis familiaris*;
3. All animals of the family Felidae (as lions, tigers, jaguars, leopards, cougars, or cheetahs) and their hybrid, except for the domestic cat *Felis catus*;

The Director in charge of Seattle Animal Control, Mr. Don Jordan, stated in an email to me on January 21, 2010, the following: "The City of Seattle defines exotic animals to include, but not limited to, all animals of the family Felidae (as lions, tigers, jaguars, leopards, cougars, or cheetahs) and their hybrid, except for the domestic cat *Felis catus*. Your email had specifically inquired about the Bengal, Savannah, Serengeti, and Chausie hybrids which by definition are Exotic Animals and would not be legal within the Seattle City limits."

Denver, Colorado

Following the infamous Clyde the Bengal story, Denver amended its ordinance to only ban early generation cats, as noted below:

ARTICLE I. IN GENERAL

Sec. 8-1. Imported animals.

All animals which are brought into the city shall be in compliance with the laws and rules and regulations of the state regarding the handling of such animals. (Code 1950, § 753.16)

Sec. 8-2. Keeping wild or dangerous animals prohibited.

(a) It shall be unlawful for any person to own, possess, keep, maintain, harbor, transport or sell within the city any living wild or dangerous animal; provided, however, that the following organizations or entities shall be exempt from this section:

- (1) The Denver Zoological Gardens;
- (2) Any circus, rodeo or livestock show licensed by the city;
- (3) Any research institute approved by the manager of environmental health to harbor, maintain or keep wild or dangerous animals; and
- (4) Any wildlife rehabilitator licensed by the Colorado Division of Wildlife who temporarily keeps raptors or wild animals within

the city, when the purpose is to return the birds or animals to the wild.

(b) The term wild or dangerous animal, for the purposes of this section, shall mean and include any and all species of the following:

- (1) Poisonous reptiles;
- (2) Monitor lizards and tegris;
- (3) Nonpoisonous snakes with a length greater than six (6) feet;
- (4) Crocodilians;
- (5) Poisonous spiders;
- (6) Scorpions;
- (7) All species of nonhuman mammals except:

a. Domestic cat (*Felis catus*), however, this exception shall not apply to any animal that is the offspring (hybrid cross) of a domestic cat and any other species of cat unless the non-domestic cat ancestor was of the Bengal cat (*Felis bengalensis*) species and that all ancestors of the cat have lived in captivity for at least the preceding five (5) generations (F4);

The first thing to remember is that you need an elected official on your side. How does this happen? It can happen in a number of ways. You can become active in campaigning for someone who is running for office and get to know them.

How Do I Know?

The next question that is often asked is how does one find out if Bengals are prohibited (in the counties and cities) where one lives? There are a few websites out there which are relatively up to date and can at a minimum point you in the right direction for finding out the laws in your state, county, and/or city. One is www.hybridlaw.com and another is through the Feline Conservation Federation, www.felineconservation.org. Remember, these websites are operated by people just like you and I who are not devoted to legislation full time so you need to click through the links and do the research yourself.

California's Declaw Ban

California is interesting as it does not prohibit ownership of Bengal cats, but it does regulate them being declawed as part of Penal Code Section 597.6 at the F1 through F3 generations, as follows:

(a) (1) No person may perform, or otherwise procure or arrange for the performance of, surgical claw removal, declawing, onychectomy, or tendonectomy on any cat that is a member of an exotic or native wild cat species, and shall not otherwise alter

HYBRID LEGISLATION CONTINUED

such a cat's toes, claws, or paws to prevent the normal function of the cat's toes, claws, or paws.

(2) This subdivision does not apply to a procedure performed solely for a therapeutic purpose.

(b) Any person who violates this section is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine of ten thousand dollars (\$10,000), or by both that imprisonment and fine.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Declawing" and "onychectomy" mean any surgical procedure in which a portion of the animal's paw is amputated in order to remove the animal's claws.

(2) "Tendonectomy" means a procedure in which the tendons to an animal's limbs, paws, or toes are cut or modified so that the claws cannot be extended.

(3) "Exotic or native wild cat species" include all members of the taxonomic family Felidae, except domestic cats (*Felis catus* or *Felis domesticus*) or hybrids of wild and domestic cats that are greater than three generations removed from an exotic or native cat. "Exotic or native wild cat species" include, but are not limited to, lions, tigers, cougars, leopards, lynxes, bobcats, caracals, ocelots, margays, servals, cheetahs, snow leopards, clouded leopards, jungle cats, leopard cats, and jaguars, or any hybrid thereof.

(4) "Therapeutic purpose" means for the purpose of address-



Bahiya Sunshine

ing an existing or recurring infection, disease, injury, or abnormal condition in the claw that jeopardizes the cat's health, where addressing the infection, disease, injury, or abnormal condition is a medical necessity.

Why Doesn't the USDA Definition Control Over State Law?

Another question that is often asked is how states, counties, and/or cities can have regulations when the Federal government (USDA) considers Bengals to be domestic cats. This involves a basic issue of constitutional law. In a nutshell, it can be explained as follows: Within the realm of who gets to decide what as far as States versus the Federal government, there is a doctrine known as "pre-emption." If the United States Congress specifically states that they intend to pre-empt state law or if in court it has been determined that the congressional record leading up to a certain law shows that there was an intent for pre-emption, then the Federal law trumps the State law as the Federal government has shown that they want to control that certain field of law. In the case of Bengal regulation, there has been no statement by the Federal government which says they intend to pre-empt state law, nor has there ever been a court decision wherein it has been found that it was the intent of the Congress to have Federal law pre-empt State law; hence we are bound by individual State and local laws.

How to Fight the Laws

What if you live somewhere that has recently enacted legislation which affects Bengal cats, or plans to enact legislation—what do you do?

The first thing to remember is that you need an elected official on your side. How does this happen? It can happen in a number of ways. You can become active in campaigning for someone who is running for office and get to know them. You may have a friend or relative that is close to your elected official or maybe you simply call and make an appointment to see your elected official. Whatever means you use to contact an elected official, get your foot in the door and be prepared to explain in a respectful and orderly fashion your point of view.

How do you explain your side to an elected official? Come armed with knowledge, testimonials, and pic-

HYBRID LEGISLATION CONTINUED

tures! Take a copy of the USDA definition with you. Take a cat show catalogue with you that shows your breed as being judged or exhibited. Ask for a letter from a TICA representative, a member or the Legislative Committee, your Regional Director, or through either of the aforementioned, the President of TICA. Take pictures of your cats with kids, with other cats. Have letters from fellow owners of your Bengals and other non-domestic source hybrid breeds. Make sure the letters are well written and contain names and addresses as well as contact phone numbers or email addresses. Your TICA legislative representative can assist you in writing effective letters and there is also information on effective cat legislation strategy on TICA's website, www.tica.org.

Always remember that at a public hearing (vs. a private meeting) there is strength in numbers. Bring as many friends as you can and make sure you each give a non-emotional, stick-to-the-facts presentation. You can say how much you love your cats, but carrying on in a non-professional manner does not work.

Involve TICA's Legislative Committee members. If you are unsure who to contact, you can contact the Chair of the Legislative Committee, Ms. Jay Bangle, jay@bangles.com, and she can help you in finding the representative for your area, or you can check the TICA website.

If you cannot find a law in your area, you can also contact the author of this article, Kristine C. Alessio, Esq. at gattobello@cox.net.

Working with TICA's members, the Legislative Committee is actively involved in the efforts to rewrite and lift the bans on Bengals in the States of Alaska, Iowa, and New York. The changes to New York and Iowa law were formally presented by local politicians in 2008 but were not passed by the entire assembly or senate in either state. Hopefully those bills will be reintroduced during the 2010 legislative sessions in both states. The Alaska Fish and Game office has been formally asked to change its laws in 2009 and again hopefully will put a proposed change in the law up for formal consideration in 2010.