

JAN 19 2018

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# 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.



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

4 "CHAPTER

5 FERAL CATS

6 § -1 Definitions. As used in this chapter, unless the  
7 context clearly requires otherwise:

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

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

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

16 "Feral cat" means a cat that is not:

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

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

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



- 1 "Rescue group" means a society or organization that:
- 2 (1) Is incorporated and in good standing as a nonprofit
- 3 corporation pursuant to chapter 414D;
- 4 (2) Is incorporated for the purpose of providing shelter
- 5 to animals, promoting animal welfare, preventing
- 6 cruelty to animals, or a substantially similar
- 7 purpose;
- 8 (3) Euthanizes or arranges to euthanize an animal only
- 9 when a licensed veterinarian determines that:
- 10 (A) The animal is suffering from an injury, terminal
- 11 illness, or other health problem that severely
- 12 affects the animal's quality of life; and
- 13 (B) Euthanization is necessary to alleviate the
- 14 animal's suffering; and
- 15 (4) Is recognized by the Internal Revenue Service as a tax
- 16 exempt organization under section 501(c)(3) of the
- 17 Internal Revenue Code.

18 "Trap-sterilize-return process" means a process that

19 includes capturing a feral cat, arranging for its sterilization,

20 complying with other applicable standards, and subsequently

21 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;



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

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

7           § -3 Registered caretaker privileges. Notwithstanding  
8 any other law to the contrary, a registered caretaker shall be  
9 exempt from any state law or county ordinance that:

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

12           (2) Mandates the confinement of cats; or

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

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

20           § -4 Registered caretaker responsibilities; trap-  
21 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.

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INTRODUCED BY: Clarence D. Rushkoff B/M



# 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.

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