



## Senate Bill 1010

### *Domestic Animals – Sterilization and Life Sustaining Care of Cats – Determination of Dangerousness*

MACo Position: **OPPOSE**

Date: March 12, 2014

To: Judicial Proceedings Committee

From: Natasha Mehu

The Maryland Association of Counties **OPPOSES** Senate Bill 1010. This bill broadly pre-empts local government's ability to effectively manage health or safety issues arising from feral cats.

Under §10-612 of the Criminal Law Article, the abandonment of domestic animals is prohibited. SB 1010 would create an exemption from this prohibition for persons who provide sterilization or life sustaining care to a feral cat that is not owned or lacks visible ownership. The bill would also forbid a county or local government from either (1) prohibiting a person from providing sterilization or life sustaining care to a feral cat that is not owned or lacks visible ownership, or (2) determining that such a cat is a nuisance, potentially dangerous, or dangerous based upon the grounds that the cat is not owned or lacks ownership.

The prohibition provision conflicts with county authority. It is within the express power of a county under §10-328 of the Local Government article to manage issues relating to nuisances and public health. Specifically “(a) In general. -- A county may provide for the prevention, abatement, and removal of nuisances.” The prohibition language in SB 1010 limits the county’s power to effectively handle health and nuisance concerns arising from feral cats in a manner that is appropriate and approved by the governing body for that jurisdiction.

In regards to public health and safety, feral cats create a number of concerns. Feral cats are domesticated cats living in an unsocialized or wild state. They are one or more generations removed from domestic house cats and have been born in the wild, with their natural wild temperament. Any wild animal at large presents both health and safety concerns for residents of the community. Feral cats in particular may transmit fatal and dangerous non-fatal diseases to humans such as rabies, toxoplasmosis, cat scratch fever, and secondary

bacterial infections. They may also transit fatal diseases to domestic house cats such as feline leukemia and feline distemper. It is pertinent that a county have the flexibility to address the presence of an un-owned feral cat in order to reduce the risk of potential transmissions and dangerous interactions with humans or house cats.

Furthermore, the operation of programs commonly known as “Trap, Neuter and Return” (TNR) and protections for people who participate in these programs is not mutually exclusive to the ability for a local government to declare an un-owned feral cat a nuisance. A few jurisdictions such as Baltimore City and Prince George’s County have ordinances in place that allow for the operation of TNRs and persons who provide those services and the State is working on funding grants that would encourage more counties to participate in such programs. These jurisdictions also currently retain the ability to address through nuisance action the issue of wild or un-owned animals and the associated health and public safety threats, if need be. SB 1010 removes that ability for un-owned feral cats. It protects individuals at the expense of protecting communities as a whole from the health and safety threats posed by feral cats. This does not have to be a trade-off; the two can coincide.

In conclusion, the authority and ability for a county or local government to address TNR and other feral cat management programs, as well as individuals offering those services on a local level in a way that does not infringe on its abilities to manage the nuisance, health and danger concerns associated with feral cats should remain in the hands of the local government. For these reasons, MACo requests the Committee issue an **UNFAVORABLE** report on SB 1010.