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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 as for as the  
7 communities 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                   to contract with a nonprofit animal  
15 rescue group to oversee caretakers of feral cats;
- 16           (2) Exempting registered caretakers of feral cats from  
17 state and county laws relating to the feeding and  
18 confinement of cats; provided that the caretakers are  
19 registered with the contracted rescue group; and
- 20           (3) Establishing a feral cat trap-sterilize-return  
21 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 pursuant to this chapter.

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

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

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

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

21 "Rescue group" means a society or organization that:



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

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



- 1           §   -2   Contracted rescue group responsibilities. By  
2   January 1,                   ,                   shall contract with a rescue group  
3   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                   that includes, at  
8                   a minimum:
    - 9                   (A)   The number of registered caretakers;
    - 10                   (B)   The number of feral cats captured by registered  
11                           caretakers;
    - 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 in good working order  
4 and used properly, 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 with  
8 paragraphs (5) through (7) if compliance is cost-prohibitive.

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

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

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

18 (c) A registered caretaker shall comply with:

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

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





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

4           SECTION 3. This Act shall take effect on July 31, 2150.



**Report Title:**

Feral Cats; Sterilization; Animal Rescue Group

**Description:**

Requires an unspecified state agency 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. (HB2593 HD1)

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