
A BILL FOR AN ACT

RELATING TO ANIMAL FUR PRODUCTS.

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

1 SECTION 1. The legislature finds that animals were
2 historically hunted and trapped for food, and their pelts were
3 used to provide protective clothing. Over time, clothing
4 technology has developed, making fur a luxury item, rather than
5 a necessity. Fur garments are typically designed for fashion
6 rather than for warmth, and more animals are now killed to make
7 decorative fur trim than to manufacture full fur garments. Due
8 to serious animal welfare concerns, more and more countries are
9 phasing out fur farming and enacting fur farming bans.

10 The legislature recognizes that more than one hundred
11 million animals are violently killed every year solely for their
12 fur. More than eighty-five per cent of pelts in the world's fur
13 trade come from fur farms, while the remaining fifteen per cent
14 of pelts are from animals trapped in the wild. The legislature
15 finds that, especially in light of the wide array of faux fur
16 and other fashion and apparel alternatives, the demand for fur
17 products does not justify the cruel treatment and unnecessary



1 killing of animals. Eliminating the sale of fur products in
2 Hawaii will foster a more humane environment in the State.

3 The legislature further finds that fur farming can be
4 damaging to the environment and contributes to water and air
5 pollution in multiple ways. Fur farming often involves the use
6 of toxic chemicals, including chromium and formaldehyde, which
7 can seep into ground water and other water sources. For each
8 kilogram of factory-farmed mink fur produced, one hundred and
9 ten kilograms of carbon dioxide are released into the
10 atmosphere. Fur farming also consumes significant quantities of
11 energy and water; producing a real fur garment uses more than
12 fifteen times the energy needed to produce a fake faux garment.

13 The legislature acknowledges that existing laws provide
14 relatively little oversight of the fur farming and fur trade
15 industries. Compliance with guidelines issued by the American
16 Veterinary Medical Association is not mandatory, and fur farms
17 are not monitored or inspected by any government agency.
18 Federal laws do prohibit the import or export of dog or cat fur
19 products into the Unites States, prohibit the introduction of
20 dog or cat fur products into interstate commerce, forbid
21 deceptive labeling of fur products, or require products made



1 with real fur to be properly labeled. Those requirements would
2 allow Hawaii consumers to choose whether to purchase real or
3 faux fur garments.

4 Accordingly, the purpose of this Act is to prohibit the
5 manufacture for sale, offer for sale, display for sale, sale,
6 trade, or distribution of certain animal fur products in the
7 State.

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

11 **"CHAPTER**

12 **ANIMAL FUR PRODUCTS**

13 **§ -1 Definitions.** As used in this chapter:

14 "Director" means the director of commerce and consumer
15 affairs.

16 "Fur" means any animal skin with hair, fleece, or fur
17 fibers attached, either in its raw or processed state.

18 "Fur product" means any article of clothing or covering for
19 any part of the body, or any fashion accessory, including
20 handbags, shoes, slippers, hats, earmuffs, scarves, shawls,
21 gloves, jewelry, keychains, toys or trinkets, or home



1 accessories and decor that is made in whole or in part of fur;
2 provided that "fur product" does not include any of the
3 following:

- 4 (1) A dog or cat fur product, as defined in title 19
5 United States Code section 1308;
- 6 (2) An animal skin that is to be converted into leather,
7 or which in processing will have the hair, fleece, or
8 fur fiber completely removed;
- 9 (3) Cowhide with the hair attached;
- 10 (4) Lambskin or sheepskin with the fleece attached; or
- 11 (5) The pelt or skin of any animal that is preserved
12 through taxidermy or for the purposes of taxidermy.

13 "Nonprofit organization" means any entity organized under
14 title 26 United States Code section 501(c)(3) for charitable,
15 religious, philanthropic, educational, or similar purposes.

16 "Taxidermy" means the practice of preparing and preserving
17 the skin of an animal that is deceased and stuffing and mounting
18 it in lifelike form.

19 "Ultimate consumer" means an individual who buys a fur
20 product for the individual's own use, or for the use of another,
21 but not for resale or trade.



1 "Used fur product" means a fur product that has been worn
2 or used by an ultimate consumer.

3 § -2 **Manufacture of fur products for sale prohibited;**

4 **exemption.** (a) It shall be unlawful to manufacture fur
5 products in the State for the purpose of sale.

6 (b) The prohibition in subsection (a) shall not apply to
7 the manufacture for sale of fur products using fur sourced
8 exclusively from used fur products.

9 § -3 **Sale of fur products prohibited; exemption.** (a)

10 It shall be unlawful to sale, offer for sale, display for sale,
11 trade, or otherwise distribute for monetary or nonmonetary
12 consideration, a fur product in the State.

13 (b) The prohibition in subsection (a) shall not apply to
14 the sale, offer for sale, display for sale, trade, or other
15 distribution of:

16 (1) A used fur product by a private party, excluding a
17 retail transaction, or a nonprofit organization, or
18 secondhand store, including a pawn shop;

19 (2) A fur product required for use in the practice of a
20 religion;



1 (3) A fur product used for traditional cultural, tribal,
2 or spiritual purposes by a member of a federally
3 recognized Native American tribe; or

4 (4) A fur product where the activity is expressly
5 authorized by federal law.

6 (c) For the purposes of this section, a sale shall be
7 deemed to occur at the location where the buyer takes physical
8 possession of the fur product.

9 **§ -4 Penalties; citations; administrative fines.** (a)

10 Any person who violates this chapter or any rule adopted
11 pursuant to this chapter shall be subject to the fines as
12 provided in this section.

13 (b) Each individual fur product manufactured for sale,
14 sold, offered for sale, displayed for sale, traded, or otherwise
15 distributed in violation of section -1 or -2 shall
16 constitute a separate violation of this chapter. Each day that
17 a violation exists, is continued, or continues to exist, shall
18 be construed as a separate offense.

19 (c) The director shall issue a warning notice to a person
20 for the person's first violation of this chapter. The person
21 shall remedy the violation within twenty-four hours of receipt



1 of the warning notice or be subject to the penalties provided by
2 this section or rules adopted pursuant to this section,
3 including but not limited to the penalties set forth in
4 subsection (d).

5 (d) A person who receives a warning notice from the
6 director and who fails to remedy the violation in the time
7 specified under subsection (c) shall be fined not more than:

8 (1) \$500 for a first violation;

9 (2) \$750 for a second violation within one year of the
10 first violation; and

11 (3) \$1,000 for a third or subsequent violation within one
12 year of the previous violation.

13 (e) The director may recover administrative fees and
14 costs, including attorney's fees and costs, for enforcement
15 actions taken pursuant to this chapter.

16 § -5 Rules. The director shall adopt rules pursuant to
17 chapter 91 as necessary to carry out the purposes of this
18 chapter."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



H.B. NO. 32

1 SECTION 4. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 5. This Act shall take effect upon its approval.
8

INTRODUCED BY:



JAN 20 2021



H.B. NO. 32

Report Title:

Department of Commerce and Consumer Affairs; Animal Fur
Products; Manufacture and Sale; Prohibition

Description:

Prohibits the manufacture for sale, sale, offer for sale,
display for sale, trade, or distribution of certain animal fur
products in the State.

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not legislation or evidence of legislative intent.*

