

JAN 27 2021

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 considering 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 the fur trade poses
4 serious human health and animal welfare concerns. Recent
5 reports from mink fur farms abroad have revealed dangerous links
6 between the industry and the further spread of the SARS-CoV-2
7 virus to humans from animals. Additionally, mink, raccoon,
8 dogs, and foxes that are commonly farmed for their fur have been
9 linked to a variety of coronaviruses.

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

20 The legislature acknowledges that existing laws provide
21 relatively little oversight of the fur trade industries.



1 Compliance with guidelines issued by the American Veterinary
2 Medical Association is not mandatory, and fur farms are not
3 monitored or inspected by any government agency. Federal laws
4 do not prohibit the import or export of dog or cat fur products
5 into the United States, prohibit the introduction of dog or cat
6 fur products into interstate commerce, forbid deceptive labeling
7 of fur products, or require products made with real fur to be
8 properly labeled. Such requirements would allow Hawaii
9 consumers to choose whether to purchase real or faux fur
10 garments.

11 As human, animal, and ecosystem health are inextricably
12 linked, it is vital for our health, economy, and security that
13 Hawaii, the United States, and countries across the globe shut
14 down the cruel, risky, and unpopular fur farming industry and
15 end the fur trade by banning fur sales. Accordingly, the
16 purpose of this Act is to prohibit the manufacture for sale,
17 offer for sale, display for sale, sale, trade, or distribution
18 of certain animal fur products in the State.

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



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"CHAPTER

ANIMAL FUR PRODUCTS

§ -1 Definitions. As used in this chapter:

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

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

"Fur product" means any article of clothing or covering for any part of the body, or any fashion accessory, including handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, or home accessories and decor that is made in whole or in part of fur; providing that "fur product" does not include any of the following:

- (1) A dog or cat fur product, as defined in title 19 United States Code section 1308;
- (2) An animal skin that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
- (3) Cowhide with the hair attached;
- (4) Lambskin or sheepskin with the fleece attached; or



1 (5) The pelt or skin of any animal that is preserved
2 through taxidermy or for the purposes of taxidermy.

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

6 "Taxidermy" means the practice of preparing and preserving
7 the skin of an animal that is deceased and stuffing and mounting
8 it in lifelike form.

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

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

14 **§ -2 Manufacture of fur products for sale prohibited;**
15 **exemption.** (a) It shall be unlawful to manufacture fur
16 products in the State for the purpose of sale.

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

20 **§ -3 Sale of fur products prohibited; exemption.** (a)
21 It shall be unlawful to sell, offer for sale, display for sale,



1 trade, or otherwise distribute for monetary or nonmonetary
2 consideration, a fur product in the State.

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

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

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

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

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

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

19 § -4 Penalties; citations; administrative fines. (a)

20 Any person who violates this chapter or any rule adopted



1 pursuant to this chapter shall be subject to the fines as
2 provided in this section.

3 (b) Each individual fur product manufactured for sale,
4 sold, offered for sale, displayed for sale, traded, or otherwise
5 distributed in violation of section -1 or -2 shall
6 constitute a separate violation of this chapter. Each day that
7 a violation exists, is continued, or continues to exist, shall
8 be construed as a separate offense.

9 (c) The director shall issue a warning notice to a person
10 for the person's violation of this chapter. The person shall
11 remedy the violation within twenty-four hours of receipt of the
12 warning notice or be subject to the penalties provided by this
13 section or rules adopted pursuant to this section.

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

- 17 (1) \$500 for a first violation;
- 18 (2) \$750 for a second violation within one year of the
19 first violation; and
- 20 (3) \$1,000 for a third or subsequent violation within one
21 year of the previous violation.



1 § -5 Rules. The director shall adopt rules pursuant to
2 chapter 91 as necessary to carry out the purposes of this
3 chapter."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

13 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'Josh', written over a horizontal line.

S.B. NO. 969

Report Title:

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

Description:

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

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

