



Proposed Legislation Could Disrupt Responsible Organic Fur Trade

By Teresa Platt, Executive Director, Fur Commission USA

Over the last few months, state and federal legislation has been introduced to ban the sale of “dog” and “cat” fur products in the US.¹ The campaign for this legislation, yet to be joined by any consumer groups, is being led by the Humane Society of the United States (HSUS)², a \$40 million-a-year corporation based in Washington, D.C. which is not affiliated with local humane societies managing pet shelters.³

HSUS opposes the organic fur trade and instead is promoting “Evolutionary Fur” made of petro-chemicals.⁴ “With advances in computer-generated fabric manufacturing, technology has made it possible for synthetic material to imitate life,” HSUS states. “*Evolutionary Fur* is the new fabric from Monterey Fashions that replicates the insular qualities and beauty of animal fur.”

“We’re encouraging everyone to go faux!” HSUS declares. Coinciding with this sales campaign, HSUS claims it has evidence, based in part on DNA tests, of widespread sales in the US of clothing made from pet fur. As part of its campaign, it is also using video of a German Shepherd allegedly being abused in China for the fur trade.

Responding to a FCUSA inquiry for full uncut film footage and DNA raw data, HSUS responded, “As I am sure you understand, the sensitive nature of investigations, such as the dog and cat fur investigation, preclude us from sharing detailed source information with anyone other than lawful enforcement authorities, or others having a legitimate need to know.” The answer is, no, the information on which this issue is based is not available to the public which includes the people of the fur trade.

Legislative Snafus

Much of the proposed legislation is poorly written and highly problematical. In particular, opponents of the legitimate fur trade could be empowered to ruin an individual or company on a technicality. More generally, it could disrupt the trade of responsible fur producers, manufacturers, distributors and retailers, especially in Asia, where there is so much growth in fur manufacturing and sales.

At the Federal level, on Apr. 30, Cong. Gerald Kleczka (D-WI) introduced HR 1622, which would ban “*the importation, manufacture, transport or sale of any product made with dog or cat fur.*” Section 3, on definitions, states: “*In this Act: (1) DOG FUR - The term ‘dog fur’ means the pelt or skin of any animal of the species canis familiaris. (2) CAT FUR - The term ‘cat fur’ means the pelt or skin of any animal of the species felis catus.*”⁵

The bill offers rewards for anyone furnishing information leading to an arrest and puts the burden of proof on the owner of the item. For example, shippers of coyote-trimmed parkas could be required to prove that every item in a ship-

ment was not made from *Canis familiaris*.

With the current lack of mapping of DNA genetic markers for many canine species, proving this negative could be impossible. Made for the lawyers, another section of the bill allows for citizen suits to force the Treasury Secretary to take action. Sec. 7. Penalties (d) Injunction states, “*Any person who violates any provision of this Act or any regulation issued under this Act may be enjoined from further sales of any fur products.*” Such an injunction could put wholesalers out of the fur business due to the action of one rogue employee or supplier.

State-by-State Analysis

Prior to 1999, California already had a statute relating to dog and cat pelts. California’s Penal Code, Part I, Title 14 Malicious Mischief, 598a, states: “*Killing dog or cat with intent of selling or giving away pelt; possession, sale or importation of pelt with intent of selling or giving away (a) Every person is guilty of a misdemeanor who kills any dog or cat with the sole intent of selling or giving away the pelt of such animal. (b) Every person is guilty of a misdemeanor who possesses, imports into this state, sells, buys, gives away or accepts any pelt of a dog or cat with the sole intent of selling or giving away the pelt of the dog or cat, or who possesses, imports into this state, sells, buys, gives away, or accepts any dog or cat, with the sole intent of killing or having killed such dog or cat for the purpose of selling or giving away the pelt of such animal.*”

“Dog” and “cat” are undefined, and one assumes they refer to *pets*. But clarification would be nice.

In 1999, the following states have also been active:

Florida: SB 1262/HB 379, to ban the sale of dog and cat fur products. The House Committee on Criminal Justice Appropriations passed H.B. 379. The Senate Committee on Agriculture and Consumer Services approved SB1262 and the Legislature adjourned for the session which means both bills are dormant. Look for their reawakening in the next session.

Maryland: HB 866, to ban the sale of dog and cat fur. A hearing was held on Mar. 9. The Committee reported *unfavorably* on Mar. 15, thus killing the bill for this session. But it could rise from the dead.

Minnesota: SF 697/HF 1211, to ban the sale of dog and

cat fur products. On Mar. 25, SF 697 was referred to the Senate Committee on Crime Prevention. HF1211 was approved and reported by the House Committee on Crime Prevention on Mar. 10. The legislature has adjourned but these bills will carry over to the 2000 session.

New Jersey: S 1815/AB 2747/AR 150 to ban the sale of dog and cat fur products. AB2747 was approved and reported by the Committee on Agriculture and Natural Resources. The Assembly passed an amended version of the bill on May 10. On June 7, the Senate approved and reported S1815, companion legislation. Also pending in the Assembly is a resolution (AR150) urging Congress to prohibit the importation of dog and cat fur products.

In New Jersey, furriers worked to add an amendment to AB 2747 to define “dog” and “cat”: “As used in this section, ‘domestic dog or cat’ means a dog (*Canis familiaris*) or cat (*Felis catus* or *Felis domesticus*) that is generally recognized in the United States as being a household pet and shall not include coyote, fox, lynx, bobcat, or any other wild or commercially raised canine or feline species the fur or hair of which is recognized for use in warm clothing and outer wear by the United States Department of Agriculture and which species is not recognized as an endangered species by the United States Fish and Wildlife Service.”

Oregon: SB 599, SB1168 to ban the sale of dog and cat fur products and pelts from any wild fur-bearing mammal. The bill has been referred to both the Senate Committee on Agriculture and Natural Resources and the Committee on the Judiciary. SB1168 passed the Senate on May 20.

Pennsylvania: SR 27/SB 474/HB 768, to ban the sale of dog and cat fur products. Resolution (SR27) introduced asking Congress to enact legislation to prohibit the sale of dog and cat fur products. Bills have been introduced in Senate and House and referred to committee.

Prior to 1999, Pennsylvania already had a statute relating to “dog” and “cat” pelts which neglected to define “dog” and “cat”. Title 18, Part II, Article F. Offenses Against Public Order And Decency, Chapter 55. Riot, Disorderly Conduct And Related Offenses, 5511. Cruelty to animals, states: “*Skinning of and selling or buying pelts of dogs and cats. A person commits a summary offense if he skins a dog or cat or offers for sale or exchange or offers to buy or exchange the pelt or pelts of any dog or cat.*”

South Carolina: HB 3409 to ban the sale of dog and cat fur products, has been referred to the Committee on Agriculture, Natural Resources and Environmental Affairs. Session adjourned and bill died but look for it in the next session.

Washington: HB 2280, to prohibit the sale of dog and cat fur. Bill died, session adjourned. Look for bill to return in next session.

In **Virginia**, SB 1259/HB 2323 to prohibit the sale of dog and cat fur products was passed in early 1999. In-

troduced on Jan. 21, it raced through the Senate Committee on Agriculture, Conservation and Natural Resources and through the House. After amendments to include “cats” and add the word “domestic”, it hit the Governor’s desk on Feb. 25 and was signed into law. “*The Code of Virginia is amended by adding a section numbered 3.1-796.128:2 as follows: 3.1-796.128:2. Selling garments containing dog or cat fur prohibited. It is unlawful for any person to sell a garment containing the hide, fur or pelt which he knows to be that of a domestic dog or cat. A violation of this section shall be punishable by a fine of not more than \$10,000.*”

Virginia neglected to define “domestic” or “dog” or “cat”. Farm-raised foxes and lynx are considered livestock and are regulated by state agriculture departments as domesticated animals. Is selling fox fur collars and lynx coats now illegal in Virginia?

Legislatus Disruptus

Without a definition of “dog” or “cat,” many of these bills carry great potential to disrupt legally produced goods at the borders. The bills are designed to disrupt trade with rewards for informers, citizen lawsuits, and the potential for one violation, real or set up, to remove legitimate dealers from the fur trade. These bills should be scrutinized and referred to the appropriate committees with jurisdiction over commerce, as well as those committees with jurisdiction over the state or federal (in the case of Kleczka’s bill) judicial systems.⁶

Unlike HSUS, FCUSA does not have an army of lobbyists to call on. Farmers should contact their Farm Bureaus and alert them to the threats posed by bills masquerading as protection for kittens and puppies. In August, your state representatives and congressmen will be home in your district, so tell them of your concerns.

Contact local furriers and trappers and work together. Contact us for more information. And remember that where HSUS is concerned, what you see is seldom what you get.

1) For more information, see: “*Fur Free 2000, Stage Two*” at www.furcommission.com/news/newsE29.htm; “*HSUS Howls for Attention*” at www.furcommission.com/news/newsC91.htm.

2) For HSUS background see: www.capitalresearch.org/ap/ap-1097.html.

3) HSUS’s own website says it is “not ... affiliated with any local animal shelters or humane organizations.” See www.hsus.org/about/mission.html.

4) See “*Ho, Ho, Ho! Plastic Santas?*” at www.furcommission.com/news/newsC4.htm. HSUS information on Fur-Free 2000 and “*Evolutionary Fur*” is at www.hsus.org/current/fur_evolutionary.html.

5) For information on taxonomy, see: Smithsonian Institution’s *Mammal Species of the World* at <http://nrmhwww.si.edu/msw/about.html>; *Mammalia’s Place on the Tree of Life* at <http://phylogeny.arizona.edu/tree/eukaryotes/animals/chordata/mammalia/mammalia.html>.

6) For their insights, FCUSA thanks Scott Hartman (National Trappers Association), Carol Wynne (Fur Information Council of America), and law firm Collier, Shannon, Rill & Scott.