

JAN 17 2020

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 United 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 consumers to choose whether to purchase real or faux fur
3 garments.

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

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

10 "CHAPTER

11 ANIMAL FUR PRODUCTS

12 § -1 Definitions As used in this chapter:

13 "Director" means the director of commerce and consumer
14 affairs or the director's designee.

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

18 "Fur product" means any article of clothing or covering for
19 any part of the body, or any fashion accessory, including but
20 not limited to handbags, shoes, slippers, hats, earmuffs,
21 scarves, shawls, gloves, jewelry, keychains, toys or trinkets,



1 or home accessories and décor that is made in whole or in part
2 of fur; 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 or part thereof that is to be converted
7 into leather, or which in processing will have the
8 hair, fleece, or fur fiber completely removed;
- 9 (3) Cowhide with the hair attached thereto;
- 10 (4) Lambskin or sheepskin with the fleece attached
11 thereto; or
- 12 (5) The pelt or skin of any animal that is preserved
13 through taxidermy or for the purpose of taxidermy.

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

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

20 "Used fur product" means a fur product which has been worn
21 or used by an ultimate consumer.



1 § -2 **Manufacture of animal fur products for sale**
2 **prohibited; exemption.** (a) It shall be unlawful to manufacture
3 fur products in the State for the purpose of sale.

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

7 § -3 **Sale of animal fur products prohibited; exemption.**

8 (a) It shall be unlawful to sell, offer for sale, display for
9 sale, trade, or otherwise distribute for monetary or nonmonetary
10 consideration, a fur product in the State.

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

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

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

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



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

3 **§ -4 Penalties; administrative fines.** (a) Any person
4 who violates this chapter or any rule adopted pursuant to this
5 chapter shall receive a citation from the director stating the
6 violation.

7 (b) Each individual fur product violating section -1
8 or -2 on each day that a violation is committed or permitted
9 to continue, shall constitute a separate violation of this
10 chapter.

11 (c) A person who receives a citation from the director
12 shall have twenty-four hours from receipt of the citation, or
13 such greater time as deemed reasonable by the director under the
14 circumstances, to correct or otherwise remedy the violation
15 prior to the imposition of administrative fines.

16 (d) A person who receives a citation from the director and
17 who fails to correct or otherwise remedy the violation shall be
18 fined:

- 19 (1) Not more than \$500 for a first violation;
20 (2) Not more than \$750 for a second violation within one
21 year of the date of the first violation; and



1 (3) Not more than \$1,000 for each additional violation
2 within one year of the date of a second or subsequent
3 violation.

4 (e) The director may recover any costs and fees, including
5 but not limited to attorney's fees, for specific enforcement
6 actions pursuant to this chapter.

7 § -5 Rules. The director shall adopt rules pursuant to
8 chapter 91 as necessary for the purposes of this chapter."

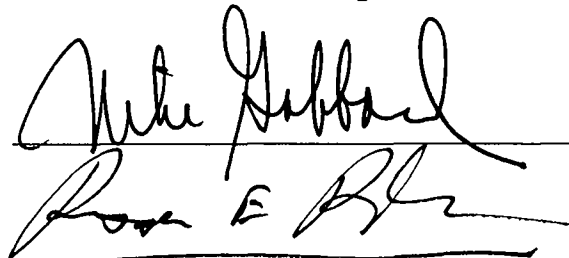
9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 5. This Act shall take effect on January 1, 2021.

19

INTRODUCED BY:



S.B. NO. 2153

Report Title:

Animal Fur Products; Manufacture and Sale; Prohibition

Description:

Prohibits the manufacture and sale of animal fur products, with certain exceptions. Effective 1/1/21.

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

