

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Barbara A. Garcia, Director, Department of Public Health
Ben Rosenfield, City Controller, Office of the Controller
Jose Cisneros, Treasurer, Office of the Treasurer & Tax Collector

FROM: John Carroll, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: December 19, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Tang on December 12, 2017:

File No. 171317

Ordinance amending the Health Code to ban the sale in San Francisco of animal fur products.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Todd Rydstrom, Office of the Controller
Amanda Kahn Fried, Office of the Treasurer & Tax Collector

1 [Health Code - Banning Sale of Animal Fur Products]

2
3 **Ordinance amending the Health Code to ban the sale in San Francisco of animal fur**
4 **products.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.
7 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
8 **Board amendment additions** are in double-underlined Arial font.
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.
10 **Asterisks (* * * *)** indicate the omission of unchanged Code
11 subsections or parts of tables.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. The Health Code is hereby amended by adding Article 1D, entitled "Animal
14 Fur Products," consisting of Sections 1D.1 through 1D.8, to read as follows:

15 **ARTICLE 1D: ANIMAL FUR PRODUCTS**

16 **SEC. 1D.1. TITLE.**

17 *This Article 1D may be known as the "Animal Fur Products Ordinance."*

18 **SEC. 1D.2. FINDINGS AND PURPOSE.**

19 *(a) More than 50 million animals are violently killed for their fur every year. A vast*
20 *majority—about 85%—of fur fashion products are made with pelts sourced from animal fur factory*
21 *farms.*

22 *(b) Animals raised on such fur farms typically spend their lives in cramped cages, and are*
23 *subject to cruel and filthy living conditions. Methods frequently used on fur farms to kill livestock for*
24 *their pelts include gassing, electrocution, poison, and neck-breaking.*

25 *(c) Fur farming contributes to water and air pollution. For example, each mink skinned by fur*
farmers produces about 44 pounds of feces in the mink's lifetime. That adds up to 1 million pounds of

1 feces produced annually by American mink farms. One dangerous component of this waste is nearly
2 1,000 tons of phosphorus, which in excess amounts upsets ecosystems in rivers and streams. Raising
3 animals for their fur also pollutes the air. In Denmark, where more than 14 million minks are killed for
4 their fur each year, more than 8,000 pounds of ammonia is released into the atmosphere annually. In
5 addition, chemical treatments applied to fur products reduce their biodegradability and contribute to
6 human health problems.

7 (d) Fur farming also consumes significant quantities of energy. The amount of energy required
8 to produce a coat made of real fur from ranch-raised animal skins is over 15 times that needed to
9 produce a fake fur garment. For each kilogram of factory-farmed mink fur, 110 kilograms of carbon
10 dioxide is produced.

11 (e) The sale of fur products in San Francisco is inconsistent with the City's ethos of treating all
12 living beings, humans and animals alike, with kindness. In light of the wide array of faux fur and other
13 alternatives for fashion and apparel, the demand for fur products does not justify the unnecessary
14 killing and cruel treatment of animals. Eliminating the sale of fur products in San Francisco will
15 promote community awareness of animal welfare, bolster the City's stance against animal cruelty, and,
16 in turn, foster a more humane environment in San Francisco.

17 **SEC. 1D.3. DEFINITIONS.**

18 "Director" means the Director of the Department of Public Health or his or her designee.

19 "Fur" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto,
20 either in its raw or processed state. "Fur" does not include such skins or parts thereof as are to be
21 converted into leather, which in processing will have the hair, fleece, or fur fiber completely removed;
22 cowhide with hair attached thereto; or lambskin or sheepskin with fleece attached thereto.

23 "Fur Product" means any article of clothing or covering for any part of the body, or any
24 fashion accessory, including but not limited to handbags, shoes, slippers, hats, earmuffs, scarves.

1 shawls, gloves, jewelry, and keychains, that is made in whole or in part of Fur. "Fur Product" does
2 not include dog or cat fur products.

3 "Non-profit Organization" means any entity organized under 26 U.S.C. Section 501(c)(3) for
4 charitable, religious, philanthropic, educational, or similar purposes.

5 "Used Fur Product" means a Fur Product that a person has acquired for his or her own use
6 and worn.

7 **SEC. 1D.4. PROHIBITING THE SALE OF FUR PRODUCTS.**

8 (a) Beginning July 1, 2018, it shall be unlawful to sell, offer for sale, display for sale, trade,
9 give, donate, or otherwise distribute a Fur Product by any means in San Francisco.

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

12 (1) Fur Products by a Non-profit Organization; or

13 (2) Used Fur Products by a person not normally in the business of selling fur products,
14 Non-profit Organization, or second-hand store, including a pawn shop; or

15 (3) Fur Products made from furbearing mammals and nongame mammals lawfully
16 taken under the authority of a trapping license, pursuant to California Fish and Game Code Section
17 3039(b).

18 **SEC. 1D.5. IMPLEMENTATION AND ENFORCEMENT.**

19 (a) The Director may issue rules, regulations, and guidelines necessary or appropriate for the
20 implementation and enforcement of this Article 1D.

21 (b) Violations of this Article 1D or of any rule or regulation issued under this Article shall be
22 punishable by administrative fines imposed pursuant to administrative citations. Administrative Code
23 Chapter 100 "Procedures Governing the Imposition of Administrative Fines," as amended from time to
24 time, is hereby incorporated and shall govern the issuance and enforcement of administrative citations,
25 and collection and review of administrative fines, to enforce this Article and any rule or regulation

1 adopted pursuant to this Article, with the following qualifications and exceptions for purposes of this
2 Article:

3 (1) The duties assigned to the Controller by Sections 100.1 - 100.15 of
4 Administrative Code Chapter 100 shall be assumed and performed by the Director;

5 (2) Each Fur Product that does not comply with Section 1D.4, on each day a
6 violation is committed or permitted to continue, shall constitute a separate violation of this Article 1D;

7 (3) A person who receives an administrative citation from the Director shall have 24
8 hours, or such greater time as deemed reasonable under the circumstances by the Director or an
9 employee designated by the Director, to correct or otherwise remedy the violation prior to the
10 imposition of administrative fines;

11 (4) The fine for any violation issued pursuant to this Article shall be paid to the
12 Treasurer of the City and County of San Francisco and credited to the Public Health Environmental
13 Health Code Compliance Fund, authorized by Administrative Code Section 10.100-193;

14 (5) The amount of the fine for violation of this Article 1D or of any rule or regulation
15 issued under this Article shall be up to \$500 for a first violation; up to \$750 for a second violation
16 within one year of the date of the first violation; and up to \$1,000 for each additional violation within
17 one year of the date of a second or subsequent violation;

18 (6) The Director may recover any costs and fees, including but not limited to
19 attorneys' fees, for enforcement initiated through this Article 1D.

20 **SEC. 1D.6. UNDERTAKING FOR THE GENERAL WELFARE.**

21 In enacting and implementing this Article 1D, the City is assuming an undertaking only to
22 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
23 obligation for breach of which it is liable in money damages to any person who claims that such breach
24 proximately caused injury.

25 **SEC. 1D.7. NO CONFLICT WITH FEDERAL OR STATE LAW.**

1 This Article 1D is intended to be a lawful exercise of the City's police power, and shall be
2 construed so as not to conflict with State or federal law. Nothing in this Article shall authorize any
3 City agency or department to impose any duties or obligations in conflict with limitations on the City's
4 authority established by State or federal law at the time such agency or departmental action is taken.
5 The City shall suspend enforcement of this Article if and only to the extent that enforcement would
6 conflict with a preemptive State or federal law.

7 **SEC. 1D.8. SEVERABILITY.**

8 If any section, subsection, sentence, clause, phrase, or word of this Article 1D, or any
9 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a
10 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining
11 portions or applications of the Article. The Board of Supervisors hereby declares that it would have
12 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not
13 declared invalid or unconstitutional without regard to whether any other portion of this Article or
14 application thereof would be subsequently declared invalid or unconstitutional.

15
16 Section 2. Effective and Operative Dates. This ordinance shall become effective 30
17 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
18 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
19 or the Board of Supervisors overrides the Mayor's veto of the ordinance. However, as stated
20 in Health Code Section 1D.4, the prohibition in Section 1D.4(a) shall not become operative
21 until July 1, 2018.

22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By: 
25 NEHA GUPTA
Deputy City Attorney

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LEGISLATIVE DIGEST

[Health Code - Banning Sale of Animal Fur Products]

Ordinance amending the Health Code to ban the sale in San Francisco of Animal Fur Products.

Existing Law

San Francisco law does not presently address the sale of products made with animal fur. California Penal Code Section 598a makes it a misdemeanor to possess, import into the State, sell, buy, give away or accept any pelt of a dog or cat with the sole intent of selling or giving away the pelt. California Fish and Game Code Section 3039 provides that goods made from furbearing mammals and nongame mammals trapped lawfully under the authority of a trapping license may be bought or sold at any time.

19 U.S. Code Section 1308 makes it unlawful to import or export any dog or cat fur product, or to engage in interstate commerce, sell, offer to sell, trade, advertise, transport, or distribute in interstate commerce, any dog or cat fur product, punishable via civil penalty of up to \$10,000 per violation.

Amendments to Current Law

This proposal would ban the sale or display for sale of "fur products" in San Francisco. For the purposes of this ordinance, "fur" would include any animal skin or part thereof with hair, fleece or fur fibers attached thereto, either in its raw or processed state, and exclude such skins as are to be converted into leather, which in processing shall have the hair, fleece or fur fiber completely removed, cowhide with hair attached thereto, or lambskin or sheepskin with fleece attached thereto. "Fur products" would include articles of clothing or covering for the body, or any fashion accessory, including handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, and like items, that is made in whole or in part of fur, excluding dog and cat fur products.

The ban would not apply to the sale of fur products by a non-profit organization, used fur products, or fur products made from furbearing mammals and nongame mammals lawfully taken under the authority of a trapping license, pursuant to California Fish and Game Code Section 3039, subdivision (b). It would become operative on July 1, 2018.

The ordinance would charge the Director of the Department of Public Health and/or his or her designee(s) with oversight and enforcement.

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Print Form

RECEIVED
12/12/17 @ 5:35pm
AS

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Katy Tang

Subject:

Health Code - Banning the Sale of Fur Apparel Products in San Francisco

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor: *Katy Tang*

For Clerk's Use Only: