

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

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3 **Ordinance amending the Health Code to ban the sale and manufacture in San**
4 **Francisco of animal fur 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:

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

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

17 **SEC. 1D.1. TITLE.**

18 *This Article 1D may be known as the “Animal Fur Products Ordinance.”*

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

20 *(a) Historically, animals were hunted or trapped for food, and their pelts were used to*
21 *provide protective clothing. Over time, civilizations and technology have developed such that*
22 *fur is less of a necessity and more of a luxury. Fur garments are now typically designed for*
23 *fashion rather than warmth. Further, more animals are now killed to make decorative fur trim*
24 *than to manufacture full fur garments.*

25 *(b) More than 50 million animals are violently killed for their fur every year. Major*
producers of fur include the United States, Canada, and Scandinavian countries.

1 (c) More than 85% of pelts in the world's fur trade come from fur farms. The remaining
2 15% are from animals caught in the wild. Animals that are bred on fur farms commonly
3 include mink, fox, marten, and chinchilla.

4 (d) The majority of pelts produced annually are mink. In 2013, approximately 275 mink
5 farms in 23 states across the United States produced about 3 million pelts, with an aggregate
6 value of over \$300 million. As of 2015, mink pelt production in the United States totaled 3.76
7 million pelts. Mink pelt production in the United States saw a sharp increase between 2011
8 and 2014, but has since remained stable.

9 ~~A vast majority—about 85%—of fur fashion products are made with pelts sourced from~~
10 ~~animal fur factory farms.~~

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

14 (e) Fur farming can be damaging to the environment and contributes to water and air
15 pollution. Fur processing often involves use of harmful chemicals including chromium and
16 formaldehyde.

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

21 (g) Existing laws require relatively little oversight of the fur farming and fur trade
22 industries. Compliance with guidelines issued by the American Veterinary Medical
23 Association is not mandatory, and fur farms are not monitored by any government agency.

1 (h) Federal law does forbid deceptive labeling of fur products, and requires that
2 products made with real fur be labeled as such. This allows consumers to choose whether to
3 purchase real or faux fur garments.

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

10 **SEC. 1D.3. DEFINITIONS.**

11 “Director” means the Director of the Department of Public Health or his or her designee.

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

16 “Fur Product” means any article of clothing or covering for any part of the body, or any
17 fashion accessory, including but not limited to handbags, shoes, slippers, hats, earmuffs, scarves,
18 shawls, gloves, jewelry, and keychains, that is made in whole or in part of Fur. “Fur Product” does
19 not include dog or cat fur products.

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

22 “Used Fur Product” means a Fur Product that a person has acquired for his or her own use
23 and worn.

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

1 (a) Beginning ~~July 1, 2018~~ January 1, 2019, it shall be unlawful to sell, offer for sale, display
2 for sale, trade, give, donate, or otherwise distribute a Fur Product by any means in San Francisco.

3 (b) Beginning January 1, 2019, it shall be unlawful to manufacture a Fur Product in
4 San Francisco.

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

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

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

10 (3)(2) Fur Products made from furbearing mammals and nongame mammals lawfully
11 taken under the authority of a trapping license, pursuant to California Fish and Game Code Section
12 3039(b).

13 (d) The prohibition in subsection (b) shall not apply to the manufacture of any Fur
14 Product using Fur sourced exclusively from Used Fur Products.

15 (e) The enforcement provisions in Section 1D.5(b) shall not apply to persons or entities
16 engaged in the sale, offer for sale, display for sale, trade, gift, donation, or other distribution of
17 a Fur Product between January 1, 2019 and December 31, 2019, if the person or entity
18 selling, offering for sale, displaying for sale, trading, giving, donating, or otherwise distributing
19 the Fur Product purchased or obtained the Fur Product on or before March 20, 2018, so long
20 as the person or entity produces upon the Director's request an invoice showing that the
21 person or entity purchased or obtained the Fur Product on or before March 20, 2018.

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

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

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1 (b) Violations of this Article 1D or of any rule or regulation issued under this Article shall be
2 punishable by administrative fines imposed pursuant to administrative citations. Administrative Code
3 Chapter 100 “Procedures Governing the Imposition of Administrative Fines,” as amended from time to
4 time, is hereby incorporated and shall govern the issuance and enforcement of administrative citations,
5 and collection and review of administrative fines, to enforce this Article and any rule or regulation
6 adopted pursuant to this Article, with the following qualifications and exceptions for purposes of this
7 Article:

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

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

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

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

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

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

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

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

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

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

12 **SEC. 1D.8. SEVERABILITY.**

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

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21 Section 2. Effective and Operative Dates. This ordinance shall become effective 30
22 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
23 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
24 or the Board of Supervisors overrides the Mayor's veto of the ordinance. However, as stated
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1 in Health Code Section 1D.4, the prohibitions in Section 1D.4(a) and (b) shall not become
2 operative until ~~July 1, 2018~~ January 1, 2019.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: _____
7 NEHA GUPTA
8 Deputy City Attorney

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