

## Fur Sale Bans

By: Jessica Schaeffer-Helmecki, Legislative Analyst II  
December 11, 2019 | 2019-R-0290

### Issue

You asked whether Connecticut municipalities can ban the sale of fur and if any municipalities or other states have done so.

The Office of Legislative Research is not authorized to issue legal opinions and this report should not be considered one.

### Summary

Connecticut law does not explicitly authorize municipalities to ban the sale of fur. The law grants municipalities broad police powers, including the authority to prevent animal cruelty, but it is unclear if such authority extends to the regulation of fur sales. Additionally, existing state law specifically authorizes the sale of fur sourced from legally trapped animals and delegates regulation of raw pelt sales to the Department of Energy and Environment (DEEP). As such, a municipal ban on fur sales may be pre-empted by state law.

We did not identify any Connecticut municipalities that have banned the sale of furs. In 2019, California became the first state to ban fur sales; four California municipalities ([Berkley](#), [Los Angeles](#), [San Francisco](#), and [West Hollywood](#)) had already done so. New York City ([Prop. 1476-2019](#)) and Hawaii ([2019 SB 1350](#)) also proposed bans in 2019, but neither was successful.

The enacted and proposed legislation varied across jurisdictions, with some excluding certain types of (1) furs, such as cowhide, lambskin, and sheepskin and (2) fur products, such as fashion accessories. Additionally, some legislation prohibited only certain actions, such as the manufacturing and sale of fur products, but not their display. Sales of existing inventory, sales by

not-for-profits, furs used by indigenous persons, and taxidermists' products were also exempted in some bills. All proposed and enacted municipal legislation (1) exempted secondhand furs and furs used for religious purposes and (2) provided civil penalties for violations and required the forfeiture of prohibited fur products.

## **Municipal Authority to Ban Fur Sales**

Municipalities are “creatures of the state” and have no powers beyond those that the state has expressly or impliedly granted them (*Webster v. Town of Harwinton*, 32 Conn. 131 (1864)). Connecticut law does not explicitly authorize municipalities to ban fur sales but does grant them broad police powers, including the authority to “prevent cruelty to animals and all inhuman sport” ([CGS § 7-148](#)(7)(D)). The law does not define animal cruelty and its [legislative history](#) does not specifically address this issue. As such, it is unclear whether state law authorizes municipalities to ban fur sales.

Additionally, state law may pre-empt a municipal ban that includes furs (1) sourced from legally trapped animals or (2) in their raw form. A municipal ordinance is pre-empted by state law when the legislature has demonstrated its intent to occupy the entire field of regulation on the matter or it irreconcilably conflicts with the statutes. (*Di Pietro v. Zoning Board of Appeals of City of Milford* 93 Conn. App. 314 (2006), certification denied 277 Conn. 925.) Connecticut law explicitly authorizes the sale of furs sourced from legally trapped animals (i.e., those not farm-raised) and delegates the regulation of raw fur pelt sales to the Department of Energy and Environmental Protection commissioner ([CGS §§ 26-72](#) and [CGS § 26-42](#)).

Although no Connecticut courts have ruled on whether such a ban is pre-empted, other states' courts have addressed this issue. Specifically, in 2016, a municipal ban on fur sales was challenged in a California superior court. The court found that the municipal ban conflicted with the state's law authorizing fur sales from legally trapped animals because it included furs from both farm-raised and legally trapped animals. (*Mayfair House, Inc. v. City of West Hollywood*, SC122649 (2016)). Subsequently, California municipalities that sought to adopt such bans carved out exceptions for legally trapped furs. Los Angeles noted this distinction would require the city to verify a fur's origin and make it particularly burdensome to enforce the ban (Report of the Chief Legislative Analyst, *Banning the Sale of Fur Products*, [18-0538](#) (2018)). California subsequently passed laws banning both the sale of fur and most fur trapping state-wide (see below).

## State and Municipal Legislation in Other States

In 2019, California became the first state to enact legislation banning fur sales. Starting in 2023, the new law makes it illegal to display, sell, or trade clothing, fashion accessories, and home décor wholly or partially made of fur. Animal skins to be converted to leather, cowhides with hair, and sheepskins are excluded from the prohibition, as are secondhand furs and those used for religious purposes or by indigenous tribes. First-time violators may be subject to a civil action and required to pay a \$500 civil penalty to the Fish and Game Preservation Fund. Penalties for subsequent violations increase up to \$1,000 ([2019 Cal. Stat. 767](#)). Another new law also makes it illegal to trap fur-bearing mammals for recreational or commercial purposes and prohibits the sale of raw furs ([2019 Cal. Stat. 216](#)).

Prior to the enactment of California's state-wide ban, [Berkley](#), [Los Angeles](#), [San Francisco](#), and [West Hollywood](#) adopted ordinances banning fur sales. New York City ([Prop. 1476-2019](#)) and Hawaii ([2019 SB 1350](#)) also considered, but did not enact, bans in 2019.

JSH:kl