

2021 -- H 5188 SUBSTITUTE A

LC000780/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- TRADE IN ANIMAL FUR ACT

Introduced By: Representatives Serpa, O'Brien, Phillips, and S Lima

Date Introduced: January 27, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 70

4 TRADE IN ANIMAL FUR PRODUCTS ACT

5 **11-70-1. Definitions.**

6 As used in this chapter, the following words and phrases shall have the following meanings:

7 (1) "Fur" means any animal skin or part thereof with hair, fleece, or fur fibers attached
8 thereto, either in its raw or processed state.

9 (i) "Fur product" means any article of clothing or covering for any part of the body, or any
10 fashion accessory, including, but not limited to, handbags, shoes, slippers, hats, earmuffs, scarves,
11 shawls, gloves, jewelry, key chains, toys or trinkets and home accessories and décor that is made
12 in whole or in part with fur:

13 (ii) "Fur product" shall not mean any of the following:

14 (A) Any animal skin or part thereof that is to be converted into leather, or which in
15 processing will have the hair, fleece, or fur fiber completely removed;

16 (B) Cowhide with the hair attached thereto;

17 (C) Lambskin or sheepskin with the fleece attached thereto; or

18 (D) The pelt or skin of any animal that is preserved through taxidermy or for the purpose
19 of taxidermy.

1 (2) “Nonprofit organization” means any corporation that is organized under section
2 501(c)(3) of title 26 of the United States Code that is created for charitable, religious, philanthropic,
3 educational, or similar purposes.

4 (3) “Taxidermy” means the practice of preparing and preserving the skin of an animal that
5 is deceased and stuffing and mounting it in lifelike form.

6 (4) “Ultimate consumer” means a person who buys for their own use, or for the use of
7 another but not for resale or trade.

8 (5) “Used fur product” means a fur product that has been worn or used by an ultimate
9 consumer.

10 **11-70-2. Prohibition.**

11 It is unlawful to sell, offer for sale, display for sale, trade, or otherwise distribute for
12 monetary or non-monetary consideration a fur product in the state of Rhode Island.

13 **11-70-3. Exemptions.**

14 (a) The prohibitions set forth in § 11-70-3, shall not apply to the sale, offer for sale,
15 displaying for sale, trade, or distribution of:

16 (1) A used product by a private party (excluding a retail transaction), nonprofit organization
17 or second hand store, including a pawn shop;

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

19 (3) A fur product that is expressly authorized by federal or state law.

20 (b) The prohibitions set forth in § 11-70-3, shall additionally not apply to the following:

21 (1) A dog or cat fur product as governed by section 1308 of title 19 of the United States
22 Code, if the dog or cat fur product involves the importation, exportation, or transportation, for
23 noncommercial purposes, of a personal pet that is deceased, including a pet preserved through
24 taxidermy.

25 **11-70-4. Penalty.**

26 (a) Any person convicted of violating this chapter shall be subject to the following
27 penalties:

28 (1) For the first violation, a civil penalty of up to five hundred dollars (\$500);

29 (2) For a violation that occurred within one year of a previous violation, a civil penalty of
30 up to seven hundred fifty dollars (\$750); or

31 (3) For a violation that occurred with in one year of a second or subsequent violation, a
32 civil penalty of up to one thousand dollars (\$1000).

33 (b) Each fur product that constitutes a violation of this chapter shall be treated as a separate
34 violation in a civil action brought pursuant to this chapter.

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11-70-5. Severability.

If any provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 2. This act shall take effect five (5) years after passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES -- TRADE IN ANIMAL FUR ACT

1 This act would prohibit the sale, offer of sale, trade or distribution of fur products as defined
2 and would make any violation punishable by a civil penalty of up to five hundred dollars (\$500)
3 for the first violation with increased penalties for subsequent violations.

4 This act would take effect five (5) years after passage.

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