

## APPENDIX II

### History of California Regulations/Policies Pertaining to Ferrets

Following is a chronological compendium of regulations and policies concerning ferrets in California (Kizer and Constantine 1989; Weisser 1991; Moore and Whisson 1998; Herman 2000; Graening 2010; R. Jurek, unpublished data, California Department of Fish and Game (CDFG) [now California Department of Fish and Wildlife]).

- Before 1933, the State of California did not regulate ferrets. In 1933, the California State Printing Office published “*Rules and regulations governing the importation of wild birds and animals into the state of California and conditions under which same may be kept in confinement*” (Farley and Brock 1933).
- August 1933. Wild bird and animal importation law (Chapter 76, Section 1, Statutes of 1933) was enacted [unlawful to import or transport, unless permitted by the California Fish and Game Commission (“the Commission”)].
- December 1933. “*Rules and Regulations Governing the Importation of Wild Birds and Animals*” were adopted by the Commission and California Department of Food and Agriculture (CDFA), which stated, “...*Commission absolutely prohibits importation of ferret and fitch.*”
- September 1957. From 1957 legislation, the California Fish & Game section relating to restricted species was renumbered from sections 1165–2116, and the opening sentence was revised to be, “*As used in this chapter, wild animal means any...(of listed groups)...which is either is not normally domesticated; in the State or not normally native to the State.*”
- 1974. California Fish & Game Code, Title 14, Section 671, entitled “*The Importation and Transportation of Live Wild Animals*” was amended to include almost all members of Mustelidae. California Department of Health Care Services (CDHCS) gave the reason for regulation as, “*Ferrets also develop feral populations and are especially destructive of poultry and small wild animals such as rabbits, which was the reason why the keeping of ferrets as pets was outlawed in California.*”
- 1975. From 1974 legislation, Fish and Game Code section 2116 was amended. A portion of the meaning of “wild animal” was revised, as follows: “...which either is not normally domesticated in this State or not normally native to this State as determined by the Commission.” The opening sentence of California Administrative Code (CAC) Title 14, section 671 was revised, as follows: “*The following species of the families which are prohibited or for which a permit is required are determine to be not normally domesticated in the State and shall not be imported into, transported within; or possessed in this State, and permits for their entry...*” and the language regarding Neutered Male Animals was amended to allow CDFG to permit entry of neutered male animals not otherwise admissible, provided the application was accompanied by certification of neutering.
- 1976. The Commission adopted regulations that prohibited the issuance of permits for ferrets, except that permits could be issued for neutered male ferrets, for exhibition in zoos, for use in scientific or public health research by scientific institutions, for public display, or for exhibition in motion pictures and television.
- Late 1970s. CDFG border check stations began detecting illegally-imported ferrets.

- February 1980. The number of requests received by the Commission to possess ferrets in California increased markedly. In testimony before the Commission, CDFG reported that there were numerous un-sterilized ferrets in the possession of California residents. Regulations provided for the importation of sterilized male ferrets but no female ferrets, so CDFG was asked to develop a proposal to resolve the matter.
- March 1980. CDFG presented its proposal regarding importation and possession of female ferrets. The Commission approved the issuance by CDFG of permits to possess female ferrets in California, if they were verified as having been acquired prior to March 7, 1980, and if neutered and marked. Following a 60-day moratorium on arrests, future requests for importation or possession of female ferrets would be denied, and the Commission denied a request for permits to import ferrets for sale.
- July 1982. CDFG law enforcement reported that there was a marked increase in numbers of ferrets intercepted at Agricultural Inspection Stations. Also, numbers of people found to be illegally breeding ferrets in California was increasing. Two game wardens were assaulted in a case involving illegal ferret breeding. CDFG established a policy to deny issuance of permits to California residents to import and possess neutered males of prohibited animals, including ferrets. Such permits would be issued only to persons moving to California who already possessed such pets. This policy was made at the request of CDFA.
- 11 October 1985. CDFG informed the Commission of position statements written by the CDFG, CDFA, and CDHCS to continue restrictions on ferret importation and ownership.
- 1986. Beginning of intensive ferret legalization efforts in California by pro-ferret groups. CDFG begins to formally study the potential problems associated with authorization of neutered ferrets as pets.
- March 1986. The Commission voted to uphold regulations restricting ferrets and supported strict enforcement.
- July 1986. CDFG announced its policy to deny all requests for permits for neutered male ferrets pending Commission consideration of a proposal to repeal 14 CAC section 671.2.
- January 1987. The Commission directed CDFG to discontinue issuing permits to possess prohibited species for pet purposes, except for those who legally possessed such animals in California at that time.
- May 1987. The Commission voted to repeal 14 CAC section 671.2, thereby prohibiting the importation, transportation, and possession of neutered males of restricted animals listed in section 671, including ferrets; amnesty was given to owners of neutered ferrets already in California.
- 1987. California Domestic Ferret Association drafts legislation to legalize ferret pet ownership in California and create a licensing system.
- February 1988. Superior Court of California for San Diego County—Gross v. State—ruled as a matter of law that Fish and Game Code sections 2116 and 2118 and 14 CAC section 671.2 are constitutional and can be applied to restrict domestic ferrets.
- October 1988. Subsections (a) and (b) of 14 CAC section 671.2 were added: "(a) *It shall be unlawful to import, transport, or possess alive animals restricted in subsection (c) below ...*" and "(b) *The California Fish and Game Commission has determined the below listed animals are not normally domesticated in this state.*" The list continued to include the all species in Family Mustelidae.
- December 1988. CDHCS published Constantine and Kizer (1988), an assessment of the hazards posed by ferrets to public health, small livestock, and wildlife.

- 1992. California Domestic Ferret Association v. California Fish and Game Commission
- 1992. CDFA commissioned a study of the impact of exotic pests, resulting in the publication of Smallwood and Salmon (1992), which concluded that the domestic ferret was highly likely to revert to a feral condition and that established populations would be difficult to eradicate.
- January 1994. California State Assembly Bill (AB No. 2497, Goldsmith) was introduced to provide for legalization of pet ferrets with proof of vaccination. [The bill died in the Senate Appropriations Committee.]
- December 1994. California State Senate Bill SB 55 (Kopp), nearly identical to AB 2497, was introduced [The bill failed passage in January 1996.]
- 1995. California Domestic Ferret Association petitions the Commission to legalize ferrets as pets. At their 2 November 1995 meeting, the Commission voted to submit a notice of proposed regulatory action to consider removing the ferret from the list of restricted 'wild animals' under 14 CAC section 671.2, and directed CDFG to prepare an environmental impact report (EIR) (which was initiated but not completed).
- August 1999. CDFG publishes Jurek and Ryan (1999), a literature review and nationwide survey of the impacts of ferrets upon wildlife, agriculture, and human health.
- May 1996. H.R. 37 (Goldsmith) - House resolution states, "*...Resolved, that the Fish and Game Commission should remove the domestic ferret from its list of unlawful wild animals and should no longer prohibit ownership or possession...*"
- November 1996. California State Deputy Attorney General informed the Commission that, in his opinion, the Commission did not have the authority to adopt regulations to remove restrictions on ferrets, so legalization of ferrets was a legislative matter. The Commission accepted that decision and proposed to work with the California Legislature on legislation to provide guidance and clarification to the Commission.
- December 1996. Marshall Farms v. California Fish and Game Commission. Marshall Farms, New York, the largest ferret breeding facility in the U.S., sued the Commission on grounds that it had failed to fulfill its mandated statutory duty to reclassify the ferret. The Commission appealed an unfavorable finding in 1998. In September 1999, the Appellate Court rendered an opinion.
- January 1997. Pat Wright, leader of Ferrets Anonymous, was the defendant in a case brought by the City of San Diego against him in 1996 for attempting to conceal from health officials a ferret that had bitten a child (People v. Wright). The City prevailed. Mr. Wright used the case to challenge the constitutionality of FGC section 2118 (B), with regard to the inclusion of ferrets as a Wild Animal. On April 30, 1997, his constitutional challenge was rejected.
- February 1997. California Assembly Bill AB 409 (Machado) was introduced to give the Commission, with cooperating state agencies, sole authority to regulate the importation, transportation and possession of all "restricted" animals, including the ferret. [AB 409, as amended 1998, failed passage in July 1998.]
- February 1997. California Assembly Bill AB 363 (Goldsmith) was introduced to legalize ferrets. [Failed passage in Senate Appropriations Committee in 1998.]
- February 1999. California Assembly Bill AB 854 (Cunneen) was introduced to legalize ferrets already possessed in California. [The Bill died in Senate Appropriations Committee.]
- February 2000. Californians for Ferret Legalization unsuccessfully petitioned the Commission to remove ferrets from the restricted species list.

- April 2000. The Commission explained that a regulatory action by the Commission triggers the requirement for an EIR according to the California Environmental Quality Act, and that the petitioners' consultants would need to prepare the report at their own cost.
- 2001. California Senate Bill SB 1093 (Johannessen et al.) was introduced to give amnesty to ferrets that were already in California, required a study of impacts of ferrets on wildlife and people, and to fund preparation of an EIR. [The bill failed in an August 2002 vote.]
- 2001. Pat Wright vs. Fish and Game Commission. Pat Wright (former president of Ferrets Anonymous) filed a lawsuit to protest the Commission's action to delay decision until an EIR was prepared and argued that the ban discriminated between ferret owners and owners of other companion animals. [Judgment was entered against Appellant on 1 July 2002. Judgement appealed on 16 August 2002. In January 2003, the Court of Appeal upheld the Commission's ferret ban against an equal protection challenge from a ferret owner. The court concluded that there were valid safety and environmental concerns that provided a rational basis for the ban.]
- October 2002. California Assembly Bill AB 3055 signed into law, adding section 4826.2 to the Business and Professions Code, which allowed California veterinarians and their employees to legally treat and care for animals on the prohibited species list, including ferrets.
- 2003–2004. California Senate Bill SB 89 (Alpert) was introduced to grant amnesty for existing ferrets and create a licensing program and require the preparation of an EIR. [It was vetoed by Governor Arnold Schwarzenegger on 29 September 2004, who stated that the EIR should be completed and evaluated before changing the legal status of ferret possession.]
- March 2005. California Assembly Bill AB 647 (Koretz and Kuehl) would allow ownership of ferrets without a permit if the owners can prove vaccinations and sterilizations. [Bill failed passage.]
- In 2005, the Commission adopted Miscellaneous Policies: Introduction of Non-Native Species, requiring that before a non-native species could be introduced into California, formal study and experimental introductions would be required and must demonstrate that they will have no significant adverse impacts.
- 2016. Petition #2016-008 requested the Commission to amend 14 CAC section 671.2 (c)(2)(K) by removing any reference to domestic ferrets.
- In 2009, the Commission and CDFG confirmed that before a policy change could occur in regards to ferrets, an EIR would need to be completed and the EIR would need to conclude that there was a neutral or beneficial impact upon the environment. (Graening, personal communication, 2010).