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**TESTIMONY OF THE ANIMAL LAW COMMITTEE
ON PROPOSED AMENDMENTS TO ARTICLES 11 AND 161
OF THE NEW YORK CITY HEALTH CODE RELATED TO REMOVING THE
PROHIBITION ON KEEPING DOMESTIC FERRETS AS PETS,
AND ESTABLISHING IMMUNIZATION, STERILIZATION,
AND OUTDOOR RESTRAINT REQUIREMENTS**

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH**

January 21, 2015 – 2:00 p.m.

**Gotham Center, 42-09 28th Street, 3rd Floor
Long Island City, NY 11101-4132**

Good afternoon. My name is Jennifer Riley and I am testifying on behalf of the New York City Bar Association's Animal Law Committee. Thank you for this opportunity to testify on the proposed amendments to Articles 11 and 161 of the New York City Health Code. The Committee supports the proposed amendments subject to two recommendations.

SUMMARY OF THE PROPOSED AMENDMENTS

The proposal would amend Article 161, Section 161.01(b)(4) and Article 11, Section 11.29 of the New York City Health Code to remove the prohibition on pet ownership of domestic ferrets and require certain public health safeguards with respect to such animals kept as pets, such as immunization against rabies, sterilization (including at the time of sale or transfer), and restraint when outdoors.

BACKGROUND AND JUSTIFICATION

In the majority of U.S. states, including New York State, it is legal to keep a domestic ferret as a pet.¹ However, New York City law currently prohibits the keeping of ferrets as pets.²

¹ Ferrets are legal in all states except for California and Hawaii. *See Ferret Legalization Efforts*, AMERICAN FERRET ASSOCIATION, at <http://www.ferret.org/read/legalization.html> (all citations herein last visited Jan. 15, 2015).

² *See* New York City Health Code §161.01(b)(4). Wild animals have been banned as pets in New York City since 1959. In 1999, the New York City Board of Health defined ferrets as a “wild animal” which is prohibited from ownership as a pet under the New York City Health Code. *Health Department Statement on Maintaining Ban on Ferrets in NYC*, Press Release, New York City Department of Health (Jun. 19, 1999), http://www.nyc.gov/html/doh/html/press_archive99/pr36-629.shtml.

In May 2014, the Commissioner of Health and Mental Hygiene granted a petition from an individual asking that the Board of Health consider amending Article 161 to remove ferrets from the list of animals prohibited as pets in the City of New York. That proposal initiated the Health Code amendment process and opened the public comment period on whether ferret ownership should be legalized.

The current prohibition on ferret ownership has not curtailed ferret ownership within New York City,³ and has detrimentally impacted the health and welfare of illegally owned ferrets. Indeed, illegal ferret owners may be apprehensive of taking their pets to the veterinarian in fear of being reported.⁴ Instead such owners may attempt to provide care for sick or dying ferrets or utilize veterinarians unskilled in ferret care.⁵

Domestic ferrets are recognized as enjoyable household companions⁶ and, there are minimal health or safety risks associated with keeping such animals with proper vaccinations as pets.⁷ As recognized by the sterilization requirements for dogs and cats sold in New York City, sterilization is necessary to prevent overpopulation of ferrets and the resultant burden on the City shelter system.

RECOMMENDATIONS

We support the proposed amendments subject to the following recommendations to ensure the humane treatment of ferrets and prevent ferret overpopulation in New York City:

First, we recommend that §161.01(b)(4) be amended to prohibit the sale of ferrets by City pet shops. Humane and proper ferret ownership requires a high level of commitment. Ferrets sleep the majority of the day and when awake, ferrets are highly active.⁸ As such, ferrets require significant attention and supervision, including “ferret-proofing” of one’s home to ensure the ferret’s safety.⁹ Given the time commitments that may not be apparent to inexperienced ferret

³ Sarah Lyall, *Ferret Fanciers, Ruffled by Ban, Are Eager for New York City to Lift It*, N.Y. TIMES, JAN. 2, 2015, at A14, http://www.nytimes.com/2015/01/02/nyregion/ferret-fanciers-excited-at-chance-that-new-york-city-may-lift-ban.html?_r=0.

⁴ *Id.*

⁵ *Id.*

⁶ See American Veterinary Medical Association, *AVMA video ‘Ferrets 101’ teaches pet owners how to care for and enjoy pet ferrets*, <https://www.avma.org/news/pressroom/pages/Ferret-release.aspx>.

⁷ At a December 9, 2014 Department of Health and Mental Hygiene meeting, Mario Merlino, an assistant health commissioner, opined that ferret rabies vaccines are more effective than prior vaccinations. NYC Department of Health, *Public Meeting Archive*, at <http://www.nyc.gov/html/doh/html/about/public-meetings-archive.shtml>. See also *Should Ferrets Be Allowed As Pets?*, Internal Memo, NEW YORK CITY DEPARTMENT OF HEALTH (Apr. 24, 2014), <http://www.nytimes.com/interactive/2014/05/28/nyregion/health-doc.html> (noting that “[e]vidence shows ferrets do not bite more frequently or severely than other pets the same size” and that there are “few problems with legally kept ferrets.”).

⁸ *Is a Ferret Right For You?*, HUMANE SOCIETY OF THE UNITED STATES (Mar. 12, 2010), at http://www.humanesociety.org/animals/ferrets/tips/ferrets_as_pets.html?credit=web_id81790108.

⁹ *Id.*

owners, there is a significant likelihood that ferrets may be abandoned or relinquished to City animal shelters that are already overcrowded with cats, dogs, and rabbits. Accordingly, a ban on the sale of ferrets by City pet shops is necessary to prevent further overcrowding at the already over-burdened City shelters.¹⁰

Next we recommend that §161.01(b)(4) be amended to prohibit the de-scenting of ferrets. In general, ferrets have a natural musky scent that is present regardless of spaying/neutering.¹¹ “De-scenting” is a surgical procedure in which the anal sacs are removed from the animal in an attempt to remove the animal’s musk odor. However, the source of this scent originates in the oil in the ferret’s skin, which is more pronounced during an intact ferret’s reproductive cycle; spaying/neutering reduces most, but not the entire odor.¹² Accordingly, surgical removal of these scent glands does not remove all natural body scents and is considered by some veterinarians to be inhumane for ferrets and misleading for consumers.¹³

CONCLUSION

For the aforementioned reasons, the Committee supports the proposed amendments subject to the recommendations above.

¹⁰ For the same reasons, the Animal Law Committee supported legislation to ban the sale of rabbits by New York City pet shops. See <http://www2.nycbar.org/pdf/report/uploads/20072710-ProhibitingSalesfromPuppyKittenMills.pdf> at 4 (supporting Int. 0055-2014, enacted 1/17/15).

¹¹ *Position Statement on Descending of Ferrets*, AMERICAN FERRET ASSOCIATION (Jun. 4, 2008), at http://www.ferret.org/pdfs/health/AFA_Position_Descending.pdf.

¹² *Id.*

¹³ *Id.*