

HOUSE BILL 283

Introduced by Harper, et al.

1/17	Introduced
1/18	Referred to Fish & Game
1/19	Fiscal Note Requested
1/26	Fiscal Note Received
1/26	Fiscal Note Printed
2/09	Hearing
2/17	Committee Report--Bill Passed as Amended
2/20	2nd Reading Passed
2/21	3rd Reading Passed

Transmitted to Senate

2/28	Referred to Fish & Game
3/14	Hearing
	Died in Committee

1 *House* BILL NO. 283 *Copy*  
 2 INTRODUCED BY *Ray* *Porter* *Tracy* *Griffin*  
 3 *R. Allison* *Frank* *Vannoy* *Seigerson* *Rick* *Bob*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE *Walt*  
 5 HUMANE TREATMENT OF FUR FARM ANIMALS; REQUIRING COMPLIANCE *Walt*  
 6 WITH HUMANE TREATMENT STANDARDS AS A CONDITION OF FUR FARM *Walt*  
 7 LICENSURE; AND AMENDING SECTIONS 87-4-1003 AND 87-4-1011,  
 8 MCA."

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 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Purpose. The purpose of  
 12 [sections 1 through 7] is to establish reasonable standards  
 13 for the humane raising and killing of fur farm animals for  
 14 commercial purposes.

15 NEW SECTION. Section 2. Definitions. For purposes of  
 16 [sections 1 through 7], the following definitions apply:

17 (1) "Commercial purposes" means breeding, raising,  
 18 selling, or disposing of fur farm animals and selling or  
 19 disposing of their pelts and byproducts, for direct or  
 20 indirect monetary gain.

21 (2) "Fur farm animal" means marten or sable, otter,  
 22 muskrat, fisher, bobcat, lynx, wolverine, beaver, raccoon,  
 23 coyote, badger, mink, fox, or any other furbearer held in  
 24 captivity for commercial purposes.

25 NEW SECTION. Section 3. Fur farm facilities and

1 operating standards. (1) A fur farm facility must be  
 2 constructed of adequate material, have strength appropriate  
 3 for the animal held in the facility, and be maintained in  
 4 good repair at all times.

5 (2) Appropriate dens, nest boxes, and bedding must be  
 6 provided to each species kept on the premises.

7 (3) Fur farm animals must be sheltered by natural or  
 8 artificial means against inclement weather.

9 (4) Fur farm animals must be protected by natural or  
 10 artificial means from direct sunlight.

11 NEW SECTION. Section 4. Feeding. (1) Food must be  
 12 wholesome, palatable, free from contamination, and of  
 13 sufficient quantity and nutritional value to maintain fur  
 14 farm animals in good health.

15 (2) Animals must be fed at least once a day, except as  
 16 dictated by veterinary treatment.

17 (3) Food containers must be sufficient in quantity and  
 18 located so as to be accessible to all animals in the cage  
 19 and to minimize contamination. Food containers must be kept  
 20 clean and sanitary. Self-feeders must be kept clean to  
 21 prevent contamination and molding or caking of food.

22 (4) Adequate potable water must be provided to all fur  
 23 farm animals. Water containers must be clean and sanitary  
 24 and be kept open in winter.

25 NEW SECTION. Section 5. Sanitation. (1) In order to

prevent disease, cages and enclosures must be cleaned as necessary to prevent contamination of fur farm animals.

(2) Cages or enclosures in which sick animals have been held must be sanitized.

(3) A safe and effective program for the control of insects, ectoparasites, and pests must be established and maintained.

**NEW SECTION. Section 6. Health.** (1) All fur farm animals susceptible to rabies and distemper must be vaccinated against those diseases, provided vaccines are commercially available for the species.

(2) Vaccination records must be kept and be made available to the department upon request.

(3) Sick and injured animals must be treated promptly or destroyed humanely.

**NEW SECTION. Section 7. Humane destruction.** (1) A fur farm animal must be dead before it is pelted.

(2) Destruction of fur farm animals must be done in a humane manner, using only methods permitted under this section or a method considered humane by the American veterinary medical association.

(3) The following methods of destruction are permitted only when administered in compliance with procedures established by the American veterinary medical association:

(a) neck breaking;

(b) nitrogen;

(c) carbon dioxide; and

(d) carbon monoxide.

(4) The following methods of destruction are prohibited:

(a) magnesium sulfate;

(b) curariform drugs alone, including curare, succinylcholine, pancuronium, and glyceryl fenesin;

(c) injection of chemicals with a nicotine sulfate base; and

(d) strychnine.

**Section 8.** Section 87-4-1003, MCA, is amended to read:

**"87-4-1003. Application for license.** (1) Any person desiring to obtain a fur farm license shall make a written application to the department. The application must specify:

(a) the name of the applicant;

(b) his address;

(c) species of furbearers and any plan to propagate them;

(d) the legal description of the lands to be included;

(e) the type of fence that the applicant contemplates erecting;

(f) the source of furbearers.

(2) (a) A fur farm license shall be issued only to a responsible applicant who owns or leases the premises on

1 which the operations are to be conducted, and who has  
2 properly fenced the place where such the fur farm is to be  
3 located, and who has complied with humane treatment  
4 standards imposed under [sections 1 through 7].

5 (b) Any fur farm owned by a nonresident must have a  
6 resident agent who is responsible for the daily operation of  
7 the fur farm and who is authorized by the nonresident owner  
8 to receive service of process.

9 (3) Within 30 days of receiving the application, the  
10 department shall notify the applicant of its decision to  
11 approve or deny the application. If required fencing has not  
12 been completed, the department shall approve the application  
13 subject to the fencing being completed. If the application  
14 is denied, the department shall specify the reasons for  
15 denial."

16 **Section 9.** Section 87-4-1011, MCA, is amended to read:

17 "87-4-1011. Records and reporting. (1) Each licensee  
18 shall keep accurate records of:

19 (a) the number and species of furbearers purchased,  
20 transferred, or sold; and

21 (b) the name of each person to whom or from whom such  
22 furbearers were purchased, transferred, or sold; and

23 (c) vaccinations required under [section 6].

24 (2) On or before January 31 of each year, each  
25 licensee shall file a report with the director, showing the

1 number and species of furbearers on hand on January 1 and  
2 the number and species of furbearers purchased, transferred,  
3 or sold during the past year. All records described in this  
4 section must be kept for not less than 3 years."

5 NEW SECTION. **Section 10. Extension of authority.** Any  
6 existing authority to make rules on the subject of the  
7 provisions of [this act] is extended to the provisions of  
8 [this act].

9 NEW SECTION. **Section 11. Codification instruction.**  
10 [Sections 1 through 7] are intended to be codified as an  
11 integral part of Title 87, chapter 4, part 10, and the  
12 provisions of Title 87, chapter 4, part 10, apply to  
13 [sections 1 through 7].

14 NEW SECTION. **Section 12. Severability.** If a part of  
15 [this act] is invalid, all valid parts that are severable  
16 from the invalid part remain in effect. If a part of [this  
17 act] is invalid in one or more of its applications, the part  
18 remains in effect in all valid applications that are  
19 severable from the invalid applications.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB283, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The act provides for the humane treatment of fur farm animals and establishes compliance standards as a condition of Licensure.

ASSUMPTIONS:

1. No change in license reporting requirements or Department of Fish, Wildlife and Parks inspection requirements.
2. The department will incorporate provisions of this act into current level program.

Ray Shackleford 1/25/89  
RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
OFFICE OF BUDGET AND PROGRAM PLANNING

HAL HARPER 1/26  
HAL HARPER, PRIMARY SPONSOR DATE

Fiscal Note for HB283, as introduced

**HB 283**

APPROVED BY COMM.  
ON FISH AND GAME

## HOUSE BILL NO. 283

INTRODUCED BY HARPER, PATTERSON, KASTEN, HANSEN, CONNELLY,  
ELLISON, ZOOK, VINCENT, SEVERSON, BISHOP, B. BROWN, REGAN,  
MCLANE, QUILICI, WALKER, NOBLE, RAPP-SVRCEK,  
STICKNEY, WYATT

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WITH HUMANE TREATMENT STANDARDS AS A CONDITION OF FUR FARM  
LICENSURE; AND AMENDING SECTIONS 87-4-1003 AND 87-4-1011,  
MCA."

## STATEMENT OF INTENT

A statement of intent is required for this bill because  
[section 8] grants rulemaking authority to the department of  
livestock to regulate the humane treatment of mink and fox.  
In developing rules, it is intended that the department  
address facility and operating standards, feeding,  
sanitation, health, and euthanasia according to current  
guidelines promulgated by the fur farm animal welfare  
coalition.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Purpose. The purpose of  
[sections 1 through 7] is to establish reasonable standards

for the humane raising and ~~killing~~ HARVESTING of fur farm  
animals for commercial purposes.

NEW SECTION. Section 2. Definitions. For purposes of  
[sections 1 through 7], the following definitions apply:

(1) "Commercial purposes" means breeding, raising,  
selling, or disposing of fur farm animals and selling or  
disposing of their pelts and byproducts, for direct or  
indirect monetary gain.

(2) "Fur farm animal" means marten or sable, otter,  
muskrat, fisher, bobcat, lynx, wolverine, beaver, raccoon,  
coyote, badger, ~~mink-fox~~, or any other furbearer held in  
captivity for commercial purposes. THE TERM DOES NOT  
INCLUDE MINK OR FOX.

NEW SECTION. Section 3. Fur farm facilities and  
operating standards. (1) A fur farm facility must be  
constructed of adequate material, have strength appropriate  
for the animal held in the facility, and be maintained in  
good repair at all times.

(2) Appropriate dens, nest boxes, and bedding must be  
provided to each species kept on the premises.

(3) Fur farm animals must be sheltered by natural or  
artificial means against inclement weather.

(4) Fur farm animals must be protected by natural or  
artificial means from direct sunlight.

NEW SECTION. Section 4. Feeding. (1) Food must be

1 wholesome, palatable, free from contamination, and of  
2 sufficient quantity and nutritional value to maintain fur  
3 farm animals in good health.

4 (2) Animals must be fed at least once a day, except as  
5 dictated by veterinary treatment.

6 (3) ~~Food containers must be sufficient in quantity and~~  
7 ~~located so as to be accessible to all animals in the cage~~  
8 ~~and to minimize contamination. Food containers~~ FEEDING AREAS  
9 must be kept clean and sanitary. Self-feeders must be kept  
10 clean to prevent contamination and molding or caking of  
11 food.

12 (4) Adequate potable water must be provided to all fur  
13 farm animals AT ALL TIMES. Water containers must be clean  
14 and sanitary ~~and be kept open in winter~~.

15 NEW SECTION. Section 5. Sanitation. (1) In order to  
16 prevent disease, cages and enclosures must be cleaned as  
17 necessary to prevent contamination of fur farm animals.

18 (2) Cages or enclosures in which sick animals have  
19 been held must be sanitized.

20 (3) A safe and effective program for the control of  
21 insects, ectoparasites, and pests must be established and  
22 maintained.

23 NEW SECTION. Section 6. Health. (1) ~~All fur farm~~  
24 ~~animals susceptible to rabies and distemper must be~~  
25 ~~vaccinated against those diseases, provided vaccines are~~

1 ~~commercially available for the species.~~ THE DEPARTMENT SHALL  
2 REGULATE THE VACCINATION OF FUR FARM ANIMALS ACCORDING TO  
3 THE MOST CURRENT STANDARDS ADOPTED BY THE AMERICAN  
4 VETERINARY MEDICAL ASSOCIATION.

5 (2) Vaccination records must be kept and be made  
6 available to the department upon request.

7 (3) Sick and injured animals must be treated promptly  
8 or destroyed humanely.

9 NEW SECTION. Section 7. Humane destruction. (1) A fur  
10 farm animal must be dead before it is pelted.

11 (2) Destruction of fur farm animals must be done in a  
12 humane manner, using only methods permitted under this  
13 section or a method considered humane by the American  
14 veterinary medical association.

15 (3) The following methods of destruction are permitted  
16 only when administered in compliance with procedures  
17 established by the American veterinary medical association:

- 18 (A) ELECTROCUTION;  
19 ~~(a)~~ (B) neck breaking;  
20 ~~(b)~~ (C) nitrogen;  
21 ~~(c)~~ (D) carbon dioxide; and  
22 ~~(d)~~ (E) carbon monoxide.

23 (4) The following methods of destruction are  
24 prohibited:

- 25 (a) magnesium sulfate;

(b) curariform drugs alone, including curare, succinylcholine, pancuronium, and glyceryl fenesin;

(c) injection of chemicals with a nicotine sulfate base; and

(d) strychnine.

**NEW SECTION. SECTION 8. HUMANE TREATMENT OF MINK AND FOX -- STANDARDS. THE DEPARTMENT SHALL REGULATE FACILITY AND OPERATING STANDARDS, FEEDING, SANITATION, HEALTH, AND EUTHANASIA RELATING TO MINK AND FOX FARMS ACCORDING TO THE MOST CURRENT GUIDELINES PROMULGATED BY THE FUR FARM ANIMAL WELFARE COALITION.**

**Section 9.** Section 87-4-1003, MCA, is amended to read:

**"87-4-1003. Application for license.** (1) Any person desiring to obtain a fur farm license shall make a written application to the department. The application must specify:

(a) the name of the applicant;

(b) his address;

(c) species of furbearers and any plan to propagate them;

(d) the legal description of the lands to be included;

(e) the type of fence that the applicant contemplates erecting;

(f) the source of furbearers.

(2) (a) A fur farm license shall be issued only to a responsible applicant who owns or leases the premises on

which the operations are to be conducted, and who has properly fenced the place where such the fur farm is to be located, and who has complied with humane treatment standards imposed under [sections 1 through 7].

(b) Any fur farm owned by a nonresident must have a resident agent who is responsible for the daily operation of the fur farm and who is authorized by the nonresident owner to receive service of process.

(3) Within 30 days of receiving the application, the department shall notify the applicant of its decision to approve or deny the application. If required fencing has not been completed, the department shall approve the application subject to the fencing being completed. If the application is denied, the department shall specify the reasons for denial."

**Section 10.** Section 87-4-1011, MCA, is amended to read:

**"87-4-1011. Records and reporting.** (1) Each licensee shall keep accurate records of:

(a) the number and species of furbearers purchased, transferred, or sold; and

(b) the name of each person to whom or from whom such furbearers were purchased, transferred, or sold; and

(c) vaccinations required under [section 6].

(2) On or before January 31 of each year, each



1 licensee shall file a report with the director, showing the  
2 number and species of furbearers on hand on January 1 and  
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13 provisions of Title 87, chapter 4, part 10, apply to  
14 [sections 1 through 7].

15 (2) [SECTION 8] IS INTENDED TO BE CODIFIED AS AN  
16 INTEGRAL PART OF TITLE 81, AND THE PROVISIONS OF TITLE 81  
17 APPLY TO [SECTION 8].

18 NEW SECTION. **Section 13.** Severability. If a part of  
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-End-