

Why the Ban on Ferrets as Pets in California Should Be Repealed

From the San Diego Chapter of Ferrets Anonymous and LegalizeFerrets.org

Executive Summary

The information contained in this position paper represents a fact-based justification for a full repeal of the ban on domestic ferrets (*Mustela putorius furo*) in California. California and Hawaii are the only two U.S. states with a ban on ferrets. This paper was written on behalf of ferret supporters in California by LegalizeFerrets.org, which is currently part of the San Diego Chapter of Ferrets Anonymous.

Background

The ban on domestic ferrets in California goes back to 1933 when all members of the species *mustela* were classified as wild animals and thus banned. In California civil code 2116, (under the jurisdictional authority of the California Department of Fish and Game) ferrets are listed in a group of animals (Civil Code 2118) “which is not normally domesticated in this state as determined by the commission” (though the California Fish and Game Commission has no records of this determination). The Civil Code further states that animals of the families Viverridae and Mustelidae (the family Mustelidae includes weasels; polecats; ferrets; minks; fishers; otters; badgers; skunks; wolverines; martens) “are restricted because such Animals are undesirable and a menace to native wildlife, the agricultural interests of the state, or to the public health or safety.”

The problem is that the domestic ferret, often cited as the third most popular interactive house pet in the United States, has been included on a list of obviously wild animals. However, every biological and zoological reference (including the United States Department of Agriculture, the International Species Information System, the Smithsonian and the Museum of Natural History) classifies the domestic ferret as a domestic animal. Being misclassified as a wild animal by the California Fish and Game Commission resulted in our ferrets on the prohibited species list. It might help to think of it this way: banning ferrets because they are on this list is equally as ridiculous a concept as banning toy poodles because they are in the same family as wolves and coyotes.

For 64 years the ban on domestic ferrets has failed Californians. Neutered male ferrets were allowed until 1985 and contrary to the movement towards legalization by the 48 states where ferrets are legal, the California Fish and Game Commission and the California Department of Fish and Game have resisted all efforts toward ferret legalization or any amnesty for ferret owners.

California’s ferret ban is bad for our state for a number of reasons:

- It is one more example of an over-bureaucratic state government; one that embraces junk science for the sake of political power – even the power to ban a common house pet as a wild animal.
- The ban alienates people from their government. The ferret issue has become a poster child for meddling and insensitive state government.
- The ban infringes upon an individual’s right to freely choose an appropriate household pet.
- The ban is bad for business. A number of companies trying to recruit people to California have been stymied because potential employees couldn’t bring their ferrets into the state as legal pets.
- Enforcing this unnecessary ban wastes state resources.

Our View

Ferrets are domesticated household pets which do not belong under the enforcement jurisdiction of agriculture and wildlife agencies.

Domestic ferrets (*Mustela putorius furo*) are most fairly evaluated by the same standards as cats and dogs. The ban infringes upon the rights of all Californians to exercise freedom of choice in choosing a pet appropriate for them. The ban runs counter to animal welfare, because it discourages ferret owners from seeking veterinary care for their pets. And because the ban is not scientifically or factually justifiable, it represents a complete breakdown in scientific integrity and responsible government.

Using Junk Science and Flawed Studies to Ban Ferrets

Three reports stand out as attempts by California authorities to ban ferrets:

- **PET EUROPEAN FERRETS: A HAZARD TO PUBLIC HEALTH, SMALL LIVESTOCK AND WILDLIFE** (California Department of Health Services, 1988)
- **A RATING SYSTEM FOR POTENTIAL EXOTIC BIRD AND MAMMAL PESTS** (California Department of Food and Agriculture, 1991)
- 1996 - 1997 **NATIONWIDE FERRET SURVEY OF STATE WILDLIFE AGENCIES** (California Department of Fish and Game, 1996)

Most prominent was the December 1988 study by Denny Constantine and Kenneth Kizer titled **PET EUROPEAN FERRETS: A HAZARD TO PUBLIC HEALTH, SMALL LIVESTOCK AND WILDLIFE** for the California Department of Health Services. Often derided for its hysteria and called the “Reefer Madness” of the anti-ferret campaign – this paper was rejected by more than one government department as “scientifically unsound.”

Here is some actual language from the Executive Summary of this published report:

“European ferrets are cute and playful, and they are becoming increasingly popular as pets. However, their growing popularity is viewed with alarm by numerous public health entities and animal care organizations.

Ferret play frequently assumes the form of mock attacks, which may result in bites to humans. Serious bites may occur, especially if the animal is surprised or angered. Adults are able to quickly terminate such encounters and thereby limit injury. However, infants, who often seem to be perceived as prey, may suffer severe injury as a result of ferret attacks. Indeed, ferrets sometimes unleash frenzied, rapid-fire bite and slash attacks on infants, usually on their heads and throats, and sometimes inflict hundred of bites. The animals have been reported to then drink the victim’s blood and eat the shredded tissue.”

The California Department of Food and Agriculture provided their own report: “a rating system for potential exotic bird and mammal pests.” This 1991 study by Shawn Smallwood and Terrell Salmon rates the domestic ferret as #3 on their list of introduced species likely to establish feral colonies and harm California’s ecosystem and agriculture. And once established, their report predicts ferrets as “difficult to eradicate.”

The problem with this report is that the variables placed in their matrix were subjective and the goal was pre-determined. The CDFA wanted a study to indicate ferrets posed a threat.

The most telling study on the ferret issue was done by the California Department of Fish and Game. 1996 - 1997 NATIONWIDE FERRET SURVEY OF STATE WILDLIFE AGENCIES. In 1995 the California Fish and Game Commission stated that in order for the ferret legalization issue to go forward, the supporters would have to fund a CEQA study (California Environmental Quality Act). Ferret supporters universally scoffed at this idea because the Commission and the Department of Fish and Game had a reputation for deceit and the funding to conduct a full-blown study was not available from private-sector sources. The California Department of Fish and Game went ahead with their own “study” as an attempt to document feral ferret colonies outside of California.

(Denny Constantine is an expert on rabies in bats. He had no ferret experience prior to writing this report.)

However, their study admits “No state reported suspected breeding or documented breeding by ferrets in the wild.”

The environmental aspect of ferret legalization, a major issue with the California authorities had little concern in other states:

“Asked whether an environmental impact report, or equivalent, or a written evaluation was prepared for legalizing ferret ownership in the state, no state reported “Yes,” six (12%) reported “No” (Georgia, Massachusetts, Pennsylvania, Utah, and Vermont), or “No” and “Not needed” (New Hampshire). One state (Michigan) responded “Unknown.” The other states (43, or 86%) reported “Not applicable” (Appendix B-1). The California Department of Fish and Game hid this study until word of its existence leaked out.

The California Department of Fish and Game (CDFG) has made public claims that the domestic ferret poses various threats to wildlife and public health, and has consistently opposed every effort to launch formal environmental impact studies that would provide a valid scientific basis for either maintaining or lifting the ban. Furthermore, the CDFG’s inappropriate use of anti-smoking funds to advertise against ferrets is irresponsible at best.

The California Department of Health Services (CDHS) also promulgates anti-ferret propaganda based on specious and inaccurate information by pointing to New Zealand’s feral Mustelid population and sensationalizing that island nation’s problems with non-native species. CDHS appears to want the public to believe that the only thing that keeps the U.S. from having a similar problem to New Zealand is California’s ban on domestic ferrets. However, New Zealand is not an accurate model to use for speculating about what could happen in the U.S., because the two countries have completely different ecosystems and natural predator populations. Additionally, New Zealand ferrets are actually ferret-polecat mixes and New Zealand is an island ecosystem and not comparable to continental based ecologies such as California.

Obviously, the justifications for maintaining a ban on domestic ferrets in California are purely political and are not based on facts or sound science. As such, it is time to repeal the ban on ferrets as pets in California.

The Opposing View

The arguments supporting the ban on ferrets as pets are based on the following assertions:

- 1) Domestic ferrets may escape their homes and form feral colonies that threaten native wildlife and commercial agriculture;
- 2) Ferrets carry rabies and therefore pose a threat to public health;
- 3) Ferrets do not make safe household pets.

Sound scientific support for these claims either does not exist or is based on inaccurate information. However, these arguments persist in popular thought because these claims are continually referenced in government literature that is distributed to the public.

The assertion that domestic ferrets may form feral colonies that damage wildlife and agriculture is unfounded because domestic ferrets cannot ordinarily survive outside human dwellings for more than a few days. An escaped pet ferret is more likely to become prey than to survive for long in any area where predators, including cats, dogs, raptors and other wildlife live. Pet ferrets generally are not breeding animals, and because they are spayed and neutered, they are incapable of breeding in the wild or interbreeding with wild Mustelid species.

As far as damage to agriculture goes, there have been no documented cases of ferret attacks on small livestock in California since the ban has been in place, even though significant numbers of pet ferrets exist in the state in spite of the ban. Ferrets were originally domesticated for use by humans in hunting rabbits and other rodents. The ferret was used to flush the rodent from its hole and the hunter did the killing. While the ferret is a carnivore, and may by nature predate rabbits or poultry, commercial agricultural producers of rabbits, poultry and other small livestock use protective husbandry methods that make any significant predation by an escaped pet or feral ferret highly unlikely if not impossible. The California Department of Fish and Game's 50-state survey on ferrets found no negative effects. It is worthy of note that the Department's self-directed study was done with little or no publicity and the results were apparently hidden when the conclusions were not what the Department wanted.

The argument that ferrets can carry rabies and therefore jeopardize public health does not justify a ban on ferrets, because dogs can carry rabies, too. CDFG asserts there is no proven vaccine to prevent rabies in ferrets when in fact the rabies vaccine (IMRAB-3) not only exists but exceeds federal efficacy standards. Requiring rabies vaccination as a condition of legal ferret ownership, by following a dog-licensing model, is an effective way of ensuring public health and safety. We also need to report that there has never been a ferret to human transmission of rabies and that in order for a ferret to contract the rabies virus they had to be "saturated" with the virus in the laboratory and they died before the virus was in their saliva.

The argument that ferrets are unsafe as household pets is based on erroneous and highly sensationalized information about bites and attacks. The California Department of Health Services (CDHS) has asserted in public documents that ferrets bite often and in a frenzied fashion that poses a danger to small children and infants. In fact, ferrets are less likely to bite than dogs and cats. Ferrets, like all domestic animals, are capable of inflicting injury and should be raised and handled responsibly by their owners. The documented failure of a few individuals to exercise care and caution in the responsible handling of their pets does not justify a ban of these animals across the board.

The arguments that support the ban on domestic ferrets as pets in California are based on specious, erroneous, and outdated information that does not constitute a body of valid evidence for maintaining a ban on domestic ferrets.

Why Ferrets Should Be Legalized

Responsible governments use tangible, reputable, science-based information to back up their claims and actions. A repeal of the ban on domestic ferrets in California should be enacted immediately because:

- Ferrets do not pose an environmental or agricultural threat to California;
- Ferrets are already present in large numbers in California;
- Ferrets are legal in 48 states; ferrets do not pose a threat to public health; and,
- Responsible citizens should be allowed to choose, and legally keep, the domestic pet most suitable for them.

Ferrets do not pose an environmental or agricultural threat to California.

Speculations about ferrets causing environmental and agricultural threats remain unsubstantiated by anecdotal documentation or scientific fact. Even if domestic ferrets could survive in the wild, they would be a benign part of the environment because as pets they are generally spayed and neutered. Claiming that ferrets pose a threat to the environment or agriculture without scientific data to support the claim is irresponsible.

Ferrets are already present in large numbers in California.

Despite their illegal status, between 100,000 and 500,000 domestic ferrets are estimated to live California. The commercial pet industry estimates that more than a quarter of U.S. sales of ferret food and supplies are sold in California. Major pet stores throughout the state have entire aisles devoted solely to ferret care. Ferrets are rarely turned in or confiscated because the general public and even many law enforcement agents believe the ban to be unnecessary and unfair. Nevertheless, the threat of enforcement always looms. Those who dare to skirt the law live under a shadow of fear. They cannot take their pets for a walk in the park, they need to be careful not to speed while driving to the vet, and they worry that a spiteful neighbor or ex will turn in their ferrets as retribution for an unrelated dispute. Ferrets are here to stay. These animals pose no threat, and their owners should be able to enjoy them openly.

Ferrets are legal in 48 states.

Ferrets can be legally owned in all states, except California and Hawaii. As ferret legalization advocates in California, we are unaware of any issues concerning agriculture or the environment that have been caused by legal ferret ownership in any of the remaining 48 States and Canada. Significant numbers of ferrets are currently residing in the households of Californians.

Before ferrets became popular as pets in the United States, several states had legal prohibitions against them. One by one, those bans have been overturned without opposition. Legalization of ferrets in these states has not created environmental, agricultural or public health problems. Today, California remains the only state in the continental U.S. to prohibit ferrets. It's time for us to catch up with the rest of the country.

Ferrets do not pose a threat to public health.

A rabies vaccine that exceeds federal efficacy requirements exists for use on ferrets. As such, the claim that ferrets pose a threat to public health because they carry rabies is invalid.

According to Kenneth W. Umbach, Ph.D., the burden of assuring inoculation rests with the ferret pet owner. He states that “ferrets are typically sold at 6 to 7 weeks, but cannot be inoculated against rabies until 12 weeks.” Similarly, “kittens and puppies, are typically taken to a new home at about 8 weeks, but not inoculated until 4 months.” If it works for cats and dogs, it can work for ferrets too.

People should be allowed to choose the domestic pet most suitable for them.

Both animals and their owners benefit when people are allowed to select a domesticated pet that best matches their own temperament and lifestyle. Domestic ferrets make an ideal pet for many. Ferrets are small and quiet and thrive in apartments. Because they run on overdrive a few hours a day and sleep the rest of the time, they are perfect for owners who work full-time during the day but have time to spend with their pets in the morning and evening. The ferret’s playful, energetic nature makes it an ideal pet for those seeking an enthusiastic, high-energy companion.

Conclusion

The ban on domestic ferrets as pets in California should be repealed because it is unnecessary, irrelevant and has a negative impact on the state’s economy, on the reputations of state government agencies and officials, and on responsible citizens who choose to own ferrets. Because the ban is not based on scientifically valid information, it serves no positive or protective purpose to the environment, agriculture or the public. As such, the ban should be repealed.

The goal of California ferret lovers is NOT to popularize ferrets. We support any action that promotes freedom of choice, animal welfare, scientific integrity and responsible government. The purpose of our activism is to ensure that ferrets be evaluated and regulated and by the same standards as cats and dogs, so that responsible citizens of this state can be allowed to legally choose a domestic companion animal that is appropriate for them.

Action Plan

This call for a repeal of the ban on domestic ferrets is a plea for action by responsible government. Because domestic ferrets are domestic animals, they should have the same legal protection as other domestic animals in California.

Section 655 of the California civil code recognizes the right of Californians to own “all domestic animals.”

Bills to legalize ferrets that have been introduced in the California legislature starting in 1993. They have all been victim of politics and not dealt with on the basis of their merits.

The bottom line is this: It is time for the State of California implement a commitment to common sense and legally recognize the domestic ferret as a domestic animal. At Ferrets Anonymous, we look forward to providing educational material to anyone who requests it as we move toward a much-needed legalization of ferrets in California.

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