

For Immediate Release

**NEW YORK STATE SUPREME COURT JUDGE UPHOLDS  
HEALTH CODE PROHIBITION AGAINST  
THE POSSESSION OF FERRETS WITHIN NEW YORK CITY**

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New York, June 21, 2002 -- Justice Michael D. Stallman of the New York State Supreme Court has upheld the provision of the New York City Health Code that prohibits the possession of ferrets by private individuals within New York City. Judge Stallman held in the case, *Glass v. City of New York*, that the ban was constitutional and lawfully adopted by the New York City Board of Health.

The plaintiffs in this action, which was commenced in 1999, claimed that the Board of Health relied on bad information when it decided to ban the ownership of ferrets. The Court rejected that contention, finding that "any objective reading of the record before the Court indicates without any question that the Board of Health acted legally and had a rational factual basis for its determination based on a substantial body of evidence."

The New York City Board of Health and the New York City Department of Health have historically regarded ferrets as "wild animals" and thus their possession was prohibited since at least the mid-1960s because of public health and safety concerns. However, no specific "wild animals" were enumerated in the law.

In August 1999, the Board of Health amended the Health Code by promulgating a list of presumptively wild animals, including ferrets. The "Statement of Basis and Purpose" annexed to the new law analyzed in detail all of the evidence that was before the Board. As well as reiterating the evidence that ferrets are known to aggressively attack children, it specifically noted the danger created by "the special housing conditions in New York City, where millions of people live in apartment buildings, where ferrets can escape and travel into other persons' apartments and public spaces."

The case was handled by Assistant Corporation Counsel Louise Moed. She said, "The City is pleased with this decision, which recognizes the Board of Health's authority and expertise to legislate in the area of public health and safety, and upholds the Board's finding that ferrets pose a particular danger in a City of multiple dwellings as densely populated as New York."

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