

STORAGE NAME: h0379.ag
DATE: February 16, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
ANALYSIS**

BILL #: HB 379
RELATING TO: Sale of Dog and Cat Fur
SPONSOR(S): Representative Russell
COMPANION BILL(S): SB 1262 (i) by Senator Sebesta

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE
 - (2) CRIME & PUNISHMENT
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

In December 1998, NBC's news magazine show, *Dateline*, aired a story recounting an 18-month investigation conducted by the Humane Society of the United States (HSUS) proving dog and cat fur is being sold in America as trim on coats, hats, gloves, decorative accessories, and toy stuffed animals.

HB 379 prohibits the sale of any item of clothing made in whole or in part from dog or cat fur and the sale of the pelts themselves. The bill also makes it unlawful to engage in the dealing or buying of pelts of dogs or cats or killing dogs or cats with the sole intent of selling or giving away the pelts. The bill provides penalties for violations of said provisions.

This legislation has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

In December 1998, NBC's news magazine show, *Dateline*, aired a story recounting an 18-month investigation conducted by the Humane Society of the United States (HSUS) proving dog and cat fur is being sold in America as trim on coats, hats, gloves, decorative accessories, and toy stuffed animals.

As the investigation continued, Burlington Coat Factory (BCF) was identified as one of the retail chains carrying merchandise containing dog fur. The Texas supplier led BCF to believe the fur lining in the jackets was from coyotes. DNA testing later revealed the trim was canine. BCF immediately removed the jackets from stock.

Presently, no labeling laws exist in the United States to restrict or regulate fur-bearing products costing \$150 or less. "American consumers are being tricked into purchasing garments made with dog and cat pelts because of misleading labeling practices," Patricia A. Forkan, the Humane Society's executive vice president, said in a statement, following the BCF incident. BCF has since joined HSUS in its campaign to have federal legislation introduced to ban dog and cat fur imports.

Currently, three states (California, Alaska, and Illinois) have legislation prohibiting the sale of merchandise containing dog or cat fur or the pelts of said animals. Georgia and Pennsylvania have similar legislation pending.

Presently, Florida has no laws regarding the sale of garments made of or containing dog or cat fur, the possession of dog or cat pelts, or the killing of dogs or cats for the sole purpose of selling or giving away the pelt.

B. EFFECT OF PROPOSED CHANGES:

Section 501.151: This section prohibits the sale of garments or items of clothing containing dog or cat fur or the pelts of dogs or cats. Violations of these provisions constitute a misdemeanor of the first degree, punishable by a definite term of imprisonment not exceeding one year or a fine of \$1000. A second or subsequent conviction for a violation of these provisions constitutes a felony of the third degree, punishable by a term of imprisonment not exceeding three years or a fine of \$5000.

Section 372.66: This section prohibits any person engaging in the business of dealing or buying pelts or furs of any dog or cat in the state or purchasing such pelts or furs within the state. This section also forbids a common carrier to knowingly ship or transport or receive for transportation any dog or cat pelts or furs within the state. Violations of these provisions constitute a felony of the third degree punishable by a term of imprisonment not exceeding three years or a fine of \$5000.

Section 828.123: This section prohibits the killing of any dog or cat with the sole intent of selling or giving away the pelt. A violation of this provision is punishable by a fine of not more than \$10,000 or by both imprisonment and a fine.

This section also forbids the possession, sale, or importation of any dog or cat pelt with the sole intent of selling or giving away the pelt. This provision is punishable by a definite term of imprisonment not exceeding one year or by a fine of \$5,000 or by both imprisonment and a fine.

And lastly, this section prohibits the possession, importation into the state, selling, buying, giving away, or accepting of any dog or cat with the sole intent of killing such dog or cat, or having such dog or cat killed, for the purpose of selling or giving away the pelt of such animal. A violation of this provision is punishable by a term of imprisonment not exceeding 5 years or by a fine of not more than \$10,000 or by both imprisonment and a fine.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. Once the law is in place, violations will create more work for law enforcement agencies and the circuit courts.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced: **Not Applicable**

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment: **Not Applicable**

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. STATUTE(S) AFFECTED:

Section 372.66, Chapter 501, and Chapter 828, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Please refer to Section B. (Effect of Proposed Changes) for a section-by-section analysis.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

The Florida Retail Federation was contacted and had no comment on this legislation.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON AGRICULTURE:
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