

STORAGE NAME: h0055.ag
DATE: September 15, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE
ANALYSIS**

BILL #: HB 55
RELATING TO: Sale of Dog and Cat Fur
SPONSOR(S): Representative Russell

COMPANION BILL(S):

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

- (1) AGRICULTURE
 - (2) CRIME & PUNISHMENT
 - (3) CRIMINAL JUSTICE APPROPRIATIONS
 - (4)
 - (5)
-

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 55 provides a first degree misdemeanor charge for any person who knowingly sells any garment containing dog or cat fur. A first degree misdemeanor charge is also provided for any person who knowingly sells or gives away the pelt of a dog or cat.

The bill provides a third degree felony charge for any person who knowingly engages in the business of a dealer or buyer in the pelts or furs of any dog or cat or to purchase such pelts or furs within the state. The bill also forbids any common carrier to knowingly ship any dog or cat furs or pelts.

HB 55 provides a third degree felony charge for any person killing a dog or cat with the sole intent of selling or giving away the pelt of the animal. The bill provides a first degree misdemeanor charge for any person who possesses, imports, sells, buys, gives away, or accepts any pelt of a dog or cat with the sole intent of selling or giving away the pelt.

And lastly, the bill provides a third degree felony charge for any person possessing, importing, selling, buying, giving away, or accepting any dog or cat with the sole intent of killing said animal for the purpose of selling the pelt of the animal.

This legislation has an insignificant 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.

In Washington, D.C., legislation has been introduced which will make it a federal offense to import dog and cat fur products or sell them in interstate commerce. It will also require labeling of fur species on all products regardless of price. The bill also contains tough enforcement provisions to ensure that there isn't just a ban of dog and cat fur on the books without it being enforceable.

California, Alaska, and Illinois currently have legislation prohibiting the sale of merchandise containing dog and cat fur or the pelts of said animals.

At this time, 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:

Sale of Garments Containing Dog and Cat Fur

HB 55 creates section 828.1231, F.S., which prohibits any person from knowingly selling or offering for sale in this state any garment containing dog or cat fur. This section also prohibits any person from knowingly selling or offering for sale or giving away the pelt of any dog or cat. Violations of these provisions constitute a misdemeanor of the first degree, punishable by up to one year in jail.

A second or subsequent conviction for a violation of these provisions constitutes a third degree felony, punishable by imprisonment not exceeding five years. The bill also provides for any law enforcement agency or humane officer as defined in s. 828.03, F.S., to institute proceedings in the appropriate circuit court to enforce compliance with the provisions of this section.

Dealing in the Business of Buying Pelts or Furs

HB 55 also creates section 828.123, F.S., which 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 a felony of the third degree, punishable by a fine of not more than \$10,000 or by both imprisonment and a fine.

Section 828.123, F.S., also prohibits any person from possessing, importing into the state, selling, buying, giving away, or accepting any pelt of a dog or cat with the sole intent of selling or giving away the pelt of said animal. A violation of this provision constitutes a misdemeanor of the first degree, punishable by a definite term of imprisonment not to exceed one year or by a fine of \$5,000 or by both imprisonment and a fine.

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 said animal, or having said animal killed, for the purpose of selling or giving away the pelt of the animal. A violation of this provision is a felony of the third degree, punishable by a term of imprisonment not exceeding five years or by a fine of not more than \$10,000 or by both imprisonment and a fine.

This section further prohibits any person from engaging in the business of dealing or buying the pelts or furs of any dog or cat in the state or to purchase such pelts or furs within the state. This section also prohibits a common carrier from knowingly shipping or transporting any dog or cat pelts or furs within the state. Violations of these provisions constitute a felony of the third degree.

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:**

Chapter 828, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Prohibits any person from killing a dog or cat with the sole intent of selling or giving away the pelt of said animal. Violation of this provision constitutes a felony of the third degree, punishable by a term of imprisonment of up to five years or by a fine of not more than \$10,000 or by both.

Prohibits the possession, importation into this state, selling, buying, or giving away of a pelt of a dog or cat. Violation of this provision constitutes a misdemeanor of the first degree, punishable by a term of imprisonment not to exceed one year or by a fine of \$5,000 or by both.

Prohibits the possession, importation into this state, selling, buying, giving away, or accepting any dog or cat with the sole intent of killing said animal, or having said animal killed, for the purpose of selling or giving away the pelt of the animal. Violation of this provision constitutes a felony of the third degree, punishable by a term of imprisonment of up to five years or by a fine of not more than \$10,000 or by both.

Prohibits any person from knowingly engaging in the business of dealing or buying pelts or furs of any dog or cat in the state or to purchase such pelts or furs within the state. Prohibits any common carrier from knowingly shipping or transporting or receive for transporting any dog or cat pelts or furs within the state. Violation of these provisions constitutes a felony of the third degree, punishable by a term of imprisonment of up to five years or by a fine of not more than \$10,000 or by both.

Section 2: Prohibits any person from knowingly selling or offering for sale in this state any garment, or any item of clothing or apparel that is made, in whole or in part, from the fur of any dog or cat, or which contains or to which is attached any dog or cat fur.

Prohibits any person from knowingly selling or offering for sale or giving away, in this state, the pelt of any dog or cat.

Violation of these provisions constitutes a misdemeanor of the first degree, punishable by a term of imprisonment not to exceed one year or by a fine of \$5,000, or by both. A second, or subsequent, violation of these provisions constitutes a felony of the third degree, punishable by a term of imprisonment of up to five years or by a fine of not more than \$10,000 or by both.

Provides for any law enforcement agency, or humane officer, to institute proceedings in the appropriate circuit court to enforce compliance with the provisions of this section. Allows law enforcement agency, or humane officer to seek a civil penalty of up to \$5,000 for each violation.

Section 3: Provides an effective date.

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:

None.

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:

None.

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:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

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