

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: CS/CS/SB 650

INTRODUCER: Criminal Justice Committee; Agriculture Committee; and Senator Sachs

SUBJECT: Artificial Coloring and Sale of Certain Animals and Fowls

DATE: April 8, 2013

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|----------------|-----------|---------------|
| 1. | <u>Akhavein</u> | <u>Halley</u> | <u>AG</u> | Fav/CS |
| 2. | <u>Cellon</u> | <u>Cannon</u> | <u>CJ</u> | Fav/CS |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 650 prohibits a person, firm, or corporation from selling, bartering or giving away animals such as rabbits, baby chickens, and ducklings that have been artificially colored or dyed. It also prohibits the sale, offer for sale, or giving away of these animals if the animal is under a specified age. The prohibition does not apply to animals that are to be used or raised for agricultural purposes or for poultry or livestock exhibitions. It also does not apply to agricultural entities that use artificial dyes on animals for protective health purposes. Persons who violate the provisions of this act would be guilty of a misdemeanor of the second degree.

This bill creates section 828.1615 of the Florida Statutes.

II. Present Situation:

Dyeing baby animals, such as chicks, ducklings, and rabbits is a tradition at Easter. The dye is either injected in the incubating egg or sprayed on the hatchling. While poultry farmers claim that this does not harm the animal, the colorful animals are purchased by customers who may not stop to consider the responsibility of caring for the animals' long term. The Humane Society

does not have specific numbers, but it reports that already overburdened animal shelters nationwide see an increase in chicks, ducklings, and rabbits after the holiday.

The 1967 Legislature found that the dyeing process, as well as abuse and abandonment after the novelty wears off, caused many animals to die. To protect the animals, it passed a law prohibiting the artificial coloring and sale of certain animals and fowl.¹ The 2012 Legislature amended HB 1197 to repeal the ban on dyeing live animals. The expressed intention for the repeal was to allow dog groomers to dye the fur of dogs for grooming competitions.

Professional pet groomers and stylists have participated in dog grooming competitions for over 30 years. The competitions have become a phenomenon across the United States and internationally. As the industry grows and changes, these competitions have also evolved to include a new trend called Creative Grooming. Creative Grooming embodies the artistic side of the groomer. Dogs are groomed by using extravagant color schemes and designs that are carved or sculpted into the coat of the animal to make it look like other animals, celebrities, or works of art. Florida pet groomers feel that they are at a disadvantage if there is a state ban on dyeing animals.

III. Effect of Proposed Changes:

Section 1 creates s. 828.1615, F.S., to prohibit a person, firm, or corporation from bartering, selling, or giving away dyed or artificially colored animals such as rabbits, baby chickens, or ducklings. It prohibits baby chickens, ducklings or other fowl under four weeks of age, and rabbits under two months of age to be sold or given away as pets, toys, or merchandising premiums. This section does not apply to animals used or raised for agricultural purposes by persons with proper facilities to care for them, by agricultural entities for protective health purposes, or for poultry or livestock exhibitions. Persons who violate the provisions of this section would be guilty of a misdemeanor of the second degree.

Section 2 provides that this act shall take effect July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ s. 828.161, F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Criminal Justice on April 8, 2013:

The committee substitute amends subsection (1) of the newly created s. 828.1615, F.S., to address the concerns of dog groomers by eliminating prohibition on dyeing or artificially coloring animals. The committee substitute prohibits a person, firm, or corporation from selling, bartering, or giving away any animal that has been dyed or artificially colored, including but not limited to rabbits, baby chickens, and ducklings.

CS by Agriculture on April 1, 2013:

The committee substitute clarifies that agricultural entities that use artificial dyes on animals for protective health purposes are exempt from the bill's prohibition to dye or artificially color animals. Agricultural operations vaccinate chicks with vaccines that contain a temporary dye, which in some cases will show color inside the mouth of a chick. In other cases after the chicks are hatched, they pass through a machine that sprays them with a light, colored mist containing an inoculation against diseases. The dye acts as a safety feature so that handlers know that all the chicks have been vaccinated and are protected from viruses, which could destroy entire flocks.

B. Amendments:

None.