

AMENDED IN ASSEMBLY MARCH 2, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1656

Introduced by Assembly Member Ma ~~Members Ma and Lieu~~
(Coauthors: Assembly Members Blumenfield, Eng, and Jones)
(Coauthor: Senator Alquist)

January 15, 2010

An act to add Title 1.1B (commencing with Section 1739.80) to Part 4 of Division 3 of the Civil Code, relating to fur products.

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Ma. Fur products: labeling.

Existing federal law requires that fur products be labeled with the names of any animals used, manufacturer, country of origin, and other specified information. Fur products with a relatively small quantity or value of fur that is worth \$150 or less are exempt from these labeling requirements.

This bill, commencing ~~January~~ *September* 1, 2011, would prohibit the sale or display for sale of any coat, jacket, garment, or other *clothing* apparel made wholly or partially of fur, regardless of the price of the apparel or the amount or value of the fur contained therein, without having attached thereto and conspicuously displayed a tag or label including the names of the animals from which the fur was acquired and the country of origin of any imported furs. Used articles of clothing would be exempt from these labeling requirements. The bill would provide that any violation of the labeling requirements is subject to a civil penalty of not more than \$500 for the first violation, and not more than \$1,000 for each subsequent violation, *except as specified*.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Title 1.1B (commencing with Section 1739.80) is added to Part 4 of Division 3 of the Civil Code, immediately following Title 1.1A, to read:

TITLE 1.1B. FUR PRODUCTS LABELING

1739.80. For the purposes of this title, the following shall apply:

(a) “Fur” means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

(b) “Person” includes any individual, partnership, corporation, joint venture, association, limited liability company, estate, trust, receiver, or syndicate.

1739.82. (a) No person shall sell or display for sale any coat, jacket, garment, or other *clothing* apparel made wholly or partially of fur, regardless of the price of the apparel or the amount or value of the fur contained therein, without having attached thereto and conspicuously displayed a tag or label including the names of both of the following:

(1) The animal or animals, as set forth in the Fur Products Name Guide maintained by the Federal Trade Commission, from which the animal fur was acquired.

(2) The country of origin of any imported furs used.

(b) Labeling of articles of clothing pursuant to this title may be accomplished by adding the required disclosures to the permanent tag attached to the clothing, to the temporary tag used by the merchant to identify the merchandise, or by affixing to the article of clothing, in a conspicuous place, a sticker listing the required disclosures.

1739.84. This title does not apply to a person ~~who~~ *that* displays for sale, offers for sale, or sells any used article of clothing made wholly or partly of animal fur.

1739.85. *A retail merchant is not liable for a violation of this title if a manufacturer or supplier for the merchant certifies to that merchant, in the invoice or other written document describing the clothing apparel, that any tag or label attached by the*

1 *manufacturer or supplier conforms to the requirements of this title,*
2 *unless the retail merchant knew, or reasonably should have known,*
3 *that the certification is false.*

4 1739.86. (a) Any violation of this title is subject to a civil
5 penalty of not more than five hundred dollars (\$500) for the first
6 violation, and not more than one thousand dollars (\$1,000) for
7 each subsequent violation.

8 (b) Each article of clothing that is not labeled pursuant to this
9 title shall constitute a separate violation of this article.

10 1739.88. Nothing in this title shall be construed to preempt
11 any federal law, or any other statute that prohibits or restricts the
12 sale of fur products. If any provision of this title or the application
13 thereof to any person or circumstance is held to be preempted by
14 federal law, the preemption shall not affect other provisions or
15 applications of the title that can be given effect.

16 1739.89. This title shall become operative on ~~January~~
17 *September 1, 2011.*