

SENATE BILL 342

I3

9lr1215
CF HB 208

By: **Senators Pugh, Della, Gladden, Lenett, Madaleno, Pinsky, Raskin, and Rosapepe**

Introduced and read first time: January 29, 2009

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2009

CHAPTER _____

1 AN ACT concerning

2 **Consumer Protection – Fur Labeling Requirements for Articles of Clothing**

3 FOR the purpose of prohibiting a merchant from displaying for sale, offering for sale,
4 or selling an article of clothing made wholly or partly from animal fur unless a
5 label or tag is attached to the article of clothing identifying certain names of
6 animals and certain countries of origin; exempting a merchant who displays for
7 sale, offers for sale, or sells a used article of clothing made wholly or partly from
8 animal fur; authorizing certain identification information to be added to a
9 certain label or tag or affixed in a certain manner to an article of clothing;
10 exempting a merchant from liability under certain circumstances; authorizing
11 the Attorney General to initiate a certain civil action and recover certain
12 penalties; providing that each article of clothing that is not labeled or tagged in
13 accordance with this Act ~~constitutes~~ does not constitute a separate violation;
14 defining certain terms; providing for a delayed effective date; and generally
15 relating to fur labeling requirements for articles of clothing.

16 BY adding to

17 Article – Commercial Law

18 Section 14–1322

19 Annotated Code of Maryland

20 (2005 Replacement Volume and 2008 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Commercial Law**2 **14-1322.**3 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
4 **MEANINGS INDICATED.**5 **(2) “ANIMAL FUR” MEANS ANIMAL SKIN WITH HAIR, FLEECE, OR**
6 **FUR FIBERS ATTACHED, EITHER IN A RAW OR PROCESSED STATE.**7 **(3) “MERCHANT” HAS THE MEANING STATED IN § 13-101 OF THIS**
8 **ARTICLE.**9 **(B) THIS SECTION DOES NOT APPLY TO A MERCHANT THAT DISPLAYS**
10 **FOR SALE, OFFERS FOR SALE, OR SELLS ANY USED ARTICLE OF CLOTHING MADE**
11 **WHOLLY OR PARTLY OF ANIMAL FUR.**12 **(C) A MERCHANT MAY NOT DISPLAY FOR SALE, OFFER FOR SALE, OR**
13 **SELL ANY ARTICLE OF CLOTHING MADE WHOLLY OR PARTLY OF ANIMAL FUR**
14 **UNLESS A LABEL OR TAG IS ATTACHED TO THE ARTICLE OF CLOTHING**
15 **IDENTIFYING:**16 **(1) THE NAME OF THE ANIMAL OR ANIMALS FROM WHICH THE**
17 **ANIMAL FUR WAS ACQUIRED, AS SET FORTH IN THE FUR PRODUCTS NAME**
18 **GUIDE MAINTAINED BY THE FEDERAL TRADE COMMISSION, 16 C.F.R. § 301.0;**
19 **AND**20 **(2) THE COUNTRY OF ORIGIN OF THE ANIMAL FUR, IF THE**
21 **ANIMAL FUR IS FROM A COUNTRY OTHER THAN THE UNITED STATES.**22 **(D) THE LABEL OR TAG REQUIRED UNDER SUBSECTION (C) OF THIS**
23 **SECTION MAY BE:**24 **(1) ADDED TO THE PERMANENT LABEL OR TAG ATTACHED TO**
25 **THE ARTICLE OF CLOTHING;**26 **(2) ADDED TO THE TEMPORARY LABEL OR TAG USED BY A**
27 **MERCHANT TO IDENTIFY THE MERCHANDISE; OR**28 **(3) AFFIXED BY STICKER, IN A CONSPICUOUS PLACE, TO THE**
29 **ARTICLE OF CLOTHING.**30 **(E) A MERCHANT IS NOT LIABLE UNDER THIS SECTION IF THE**
31 **MERCHANT HAS WRITTEN ASSURANCE FROM THE MANUFACTURER OR**
32 **SUPPLIER OF AN ARTICLE OF CLOTHING THAT THE ARTICLE OF CLOTHING IS**

1 LABELED OR TAGGED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS
2 SECTION, UNLESS THE MERCHANT HAS REASON TO BELIEVE THE ASSURANCE IS
3 FALSE.

4 (F) (1) THE ATTORNEY GENERAL MAY INITIATE A CIVIL ACTION
5 AGAINST ANY PERSON WHO VIOLATES THIS SECTION TO RECOVER FOR THE
6 STATE A PENALTY:

7 (I) NOT TO EXCEED ~~\$500~~ \$25 FOR A FIRST VIOLATION; AND

8 (II) NOT TO EXCEED ~~\$1,000~~ \$150 FOR EACH SUBSEQUENT
9 VIOLATION.

10 (2) FOR PURPOSES OF THIS SECTION, EACH ARTICLE OF
11 CLOTHING THAT IS NOT LABELED OR TAGGED IN ACCORDANCE WITH THIS
12 SECTION ~~CONSTITUTES~~ DOES NOT CONSTITUTE A SEPARATE VIOLATION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, ~~2010~~ 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.