

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 1127

(Senators Conway and Pugh)

Rules

**Public Health - Sales of Previously Sold Undergarments and Bathing Suits -
Prohibited**

This bill prohibits a retail establishment from selling an unpackaged or open undergarment or bathing suit that has been previously sold and returned to the retail establishment. The bill does not apply to the sale of undergarments or bathing suits in a retail establishment that markets its merchandise as used or secondhand, undergarments or bathing suits sealed in unopened packaging, or bathing suit tops sold separately from bathing suit bottoms. Violators are guilty of a misdemeanor and subject to a fine of up to \$500.

Fiscal Summary

State Effect: Expenditures for the Department of Health and Mental Hygiene are unaffected as the department is not responsible for the bill's enforcement. If the Consumer Protection Division of the Office of the Attorney General receives fewer than 50 complaints per year stemming from the bill, the additional workload can be handled with existing resources. Potential minimal increase in general fund revenues due to the bill's penalty provision from cases heard in the District Court.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: State law does not address the sale of bathing suits or undergarments.

Background: The Maryland Retailers Association advises return policies for bathing suits and undergarments vary from store to store. Some stores have no return policy, while others sell previously sold items that were returned with the price tags still in place.

Similar legislation has been introduced in New York. The New York bill prohibits consumers from trying on an undergarment prior to purchasing the item. Violators are subject to civil penalties ranging from \$100 to \$500. The bill is intended to reduce the spread of bacteria and disease by prohibiting the sale of undergarments and bathing suits that may have been previously worn.

Additional Information

Prior Introductions: None.

Cross File: HB 1560 (Delegate Braveboy, *et al.*) - Economic Matters.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Maryland Retailers Association, New York State Assembly, Department of Legislative Services

Fiscal Note History: First Reader - March 25, 2010
ncs/mwc

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