

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 803 (Delegates Malone and McComas)
Economic Matters

Business Regulation - Boat Winterization - Shrink Wrapping (Matthew's Law)

This bill prohibits a business that winterizes boats from shrink wrapping a boat until all winterization procedures that require an employee to be inside the boat are complete.

Fiscal Summary

State Effect: Assuming compliance, the bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: There is no State law related to the winterization or shrink wrapping of boats.

Background: According to an [article](#) in the *Capital Gazette*, on November 5, 2016, Matthew McHale winterized a boat that had already been shrink-wrapped. The winterization process typically involves idling the engine, which emits carbon monoxide. Matthew was later found unconscious and taken to the hospital, where he was pronounced dead from an overexposure to carbon monoxide, according to the *Gazette* article.

That same article cites an investigation by the Maryland Occupational Safety and Health (MOSH) program, which found that Matthew’s employer “did not violate [federal Occupational Safety and Health Administration] or MOSH standards, and no citations are

recommended, related to the maintenance and winterization of the boat or for working in or around a boat that had been shrink-wrapped.”

The MOSH report also notes the following:

- there are no existing regulations or standards specific to the process of winterizing boats; and
- guidance specific to the yacht maintenance industry does not specifically encourage or prohibit the practice of winterizing after shrink wrap has been applied.

Additional Information

Prior Introductions: None.

Cross File: SB 19 (Senator Reilly) - Finance.

Information Source(s): Department of Labor, Licensing, and Regulation; Office of the Attorney General (Consumer Protection Division); Department of Natural Resources; Maryland Department of the Environment; Anne Arundel and Queen Anne’s counties; *Capital Gazette*; Department of Legislative Services

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