

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 219 (Chair, Health and Government Operations Committee)
 (By Request – Departmental – Health and Mental Hygiene)
 Health and Government Operations Finance

Bedding Law - Repeal

This departmental bill repeals the State bedding law which offers consumer protection and safety standards for bedding products and upholstered furniture.

Fiscal Summary

State Effect: General fund revenues could decrease by \$60,000 due to the loss of annual licensing fees in FY 2009. Future year revenues reflect annualization. Due to the redirection of staff and resources related to the limited activities associated with the program, general fund expenditures could decrease minimally in FY 2009 and future years.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	(\$60,000)	(\$80,000)	(\$80,000)	(\$80,000)	(\$80,000)
GF Expenditure	(-)	(-)	(-)	(-)	(-)
Net Effect	(\$60,000)	(\$80,000)	(\$80,000)	(\$80,000)	(\$80,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: DHMH issues annual licenses to those in the business of • selling, making, or renovating bedding, upholstered furniture, or filling material; or • disinfecting bedding, bedding component parts, or filling material. Retailers (unless the retailer is an importer) and wholesalers who sell only bedding or upholstered furniture made by a licensed manufacturer are exempted.

Any bedding or upholstered furniture that has been disinfected must have written on a tag • the words “content disinfected;” and • the license number of the disinfector of the article or material. In addition, manufacturers or supply chain dealers have to attach tags to bedding or upholstered furniture indicating • whether it contains new or secondhand material; • whether it is secondhand bedding or material; and • the materials used in the filling. All tags must be in a form approved by DHMH.

Enforcement inspections are conducted as needed. At any reasonable time, the Secretary or a DHMH representative can enter and inspect any place where • bedding or upholstered furniture is made or renovated; • bedding, bedding component parts, or filling material is made or disinfected; or • bedding, upholstered furniture, or filling material is sold.

Any person who violates any of these provisions is guilty of a misdemeanor and subject to a fine of up to \$250 per violation.

Background: Consumer protection and safety standards for bedding products are regulated at the federal level. Mattresses sold anywhere in the United States are subject to federal requirements including • the Textile Fiber Products Identification Act, which mandates content disclosure in the labeling, invoicing, and advertising of textile fiber products; and • the Consumer Product Safety Commission’s federal flammability standard for mattresses and mattress pads.

State Fiscal Effect: DHMH advises that its bedding program functions are limited to issuing licenses, reviewing manufacturer tags, and addressing infrequent consumer complaints. The last complaint was lodged in February 2006. Staff resources allocated to this program would be redirected to other food protection and consumer health services. Therefore, general fund expenditures could decrease minimally due to halting the issuance of licenses which incur tangible administrative costs.

DHMH advises that it collects \$50 in licensing fees from 1,600 establishments annually. These funds are collected throughout the year; thus, due to the bill’s October 1 effective

date, general fund revenues would decrease by \$60,000 in fiscal 2009. Annually thereafter, however, general fund revenues would decrease by \$80,000.

The civil penalty provisions associated with the program are not expected to significantly affect State revenues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2008
ncs/ljm

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