

# HOUSE BILL 1560

C2, J1

0lr3618  
CF SB 1127

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By: **Delegates Braveboy, Harrison, Benson, Pena-Melnyk, and V. Turner**

Rules suspended

Introduced and read first time: March 19, 2010

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, March 20, 2010

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Public Health~~ **Consumer Protection – Sales of Previously Sold**  
3 ~~Undergarments and Bathing Suits~~ **Underwear**  
4 **– Prohibited**

5 FOR the purpose of requiring that the sale of unpackaged underwear or an unsealed  
6 package of multiple pairs of underwear at a retail establishment be a final sale  
7 except under certain circumstances; allowing a retail establishment to accept  
8 certain underwear for return and a refund or exchange; prohibiting retail  
9 establishments from selling certain ~~undergarments or bathing suits~~ underwear  
10 that ~~have~~ has been previously sold and returned to the retail establishment;  
11 providing for the application of this Act; providing that a retail establishment  
12 that violates this Act is guilty of a misdemeanor and on conviction is subject to a  
13 certain penalty; defining certain terms; and generally relating to the prohibition  
14 on the sale of previously sold ~~undergarments and bathing suits~~ underwear.

15 BY adding to

16 Article – ~~Health – General~~ Commercial Law

17 Section ~~18-405~~ 14-1322

18 Annotated Code of Maryland

19 (~~2009~~ 2005 Replacement Volume and 2009 Supplement)

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

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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 - ~~Health~~ General Commercial Law

2 ~~18-405, 14-1322.~~

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
4 MEANINGS INDICATED.

5 (2) "RETAIL ESTABLISHMENT" MEANS AN ESTABLISHMENT THAT  
6 SELLS ~~GOODS OR SERVICES~~ CONSUMER GOODS OR CONSUMER SERVICES TO THE  
7 ULTIMATE USER OR A CONSUMER FOR PERSONAL USE RATHER THAN BUSINESS  
8 USE.

9 ~~(3) (3) (I) "UNDERGARMENT" MEANS~~ "UNDERWEAR" MEANS AN A  
10 LONG OR SHORT ARTICLE OF CLOTHING WORN NEXT TO THE SKIN OF AN  
11 INDIVIDUAL'S LOWER HALF, INCLUDING UNDERWEAR WORN ON AN  
12 INDIVIDUAL'S LOWER HALF. THE LOWER HALF OF AN INDIVIDUAL'S BODY THAT  
13 HAS A SEPARATE OPENING FOR EACH LEG AND IS WORN FOR THE PRIMARY  
14 PURPOSE OF PERSONAL HYGIENE.

15 (II) "UNDERWEAR" DOES NOT INCLUDE:

- 16 1. SLIPS;  
17 2. DIAPERS;  
18 3. ADULT INCONTINENCE UNDERGARMENTS; OR  
19 4. PERSONAL PROTECTIVE EQUIPMENT.

20 (B) THIS SECTION DOES NOT APPLY TO THE SALE OF:

21 (1) ~~UNDERGARMENTS OR BATHING SUITS~~ UNDERWEAR IN A  
22 RETAIL ESTABLISHMENT THAT MARKETS ITS MERCHANDISE AS USED OR  
23 SECONDHAND; OR

24 (2) ~~UNDERGARMENTS OR BATHING SUITS~~ UNDERWEAR SEALED  
25 IN UNOPENED PACKAGING; ~~OR~~

26 (3) ~~BATHING SUIT TOPS SOLD SEPARATELY FROM BATHING SUIT~~  
27 ~~BOTTOMS.~~

28 (C) (1) ~~A RETAIL ESTABLISHMENT MAY NOT SELL AN UNPACKAGED~~  
29 ~~OR OPEN UNDERGARMENT OR BATHING SUIT THAT HAS BEEN PREVIOUSLY SOLD~~  
30 ~~AND RETURNED TO THE RETAIL ESTABLISHMENT. EXCEPT AS PROVIDED IN~~

1 PARAGRAPH (2) OF THIS SUBSECTION, THE SALE OF UNPACKAGED UNDERWEAR  
2 OR AN UNSEALED PACKAGE OF MULTIPLE PAIRS OF UNDERWEAR AT A RETAIL  
3 ESTABLISHMENT SHALL BE FINAL.

4 (2) A RETAIL ESTABLISHMENT MAY ACCEPT FOR RETURN AND A  
5 REFUND OR EXCHANGE PREVIOUSLY SOLD UNPACKAGED UNDERWEAR OR AN  
6 UNSEALED PACKAGE OF MULTIPLE PAIRS OF UNDERWEAR IF THE UNDERWEAR  
7 IS DEFECTIVE OR DAMAGED.

8 (3) A RETAIL ESTABLISHMENT MAY NOT SELL TO ANOTHER  
9 CONSUMER PREVIOUSLY SOLD UNPACKAGED UNDERWEAR OR AN UNSEALED  
10 PACKAGE OF MULTIPLE PAIRS OF UNDERWEAR ACCEPTED FOR RETURN UNDER  
11 PARAGRAPH (2) OF THIS SUBSECTION.

12 (D) A RETAIL ESTABLISHMENT THAT VIOLATES THIS SECTION IS GUILTY  
13 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
14 EXCEEDING \$500.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.