

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1560
Economic Matters

(Delegate Braveboy, *et al.*)

Rules

Consumer Protection - Sales of Previously Sold Underwear - Prohibited

This bill prohibits a retail establishment from selling unpackaged underwear or an unsealed package of multiple pairs of underwear that has been previously sold and returned to the retail establishment. The sale of unpackaged underwear or an unsealed package of multiple pairs of underwear at retail establishments is final unless the underwear is defective or damaged. The bill does not apply to the sale of underwear in a retail establishment that markets its merchandise as used or secondhand or underwear sealed in unopened packaging. Violators are guilty of a misdemeanor and subject to a fine of up to \$500.

Fiscal Summary

State Effect: 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 affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: State law does not address the sale of underwear.

Background: The Maryland Retailers Association advises return policies for underwear 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: SB 1127 (Senators Conway and Pugh) – Rules.

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 Revised - House Third Reader - April 8, 2010

Analysis by: Erin McMullen

Direct Inquiries to:
(410) 946-5510
(301) 970-5510