

SENATE BILL 1127

C2, J1

0lr3630
CF HB 1560

By: **Senators Conway and Pugh**

Constitutional Requirements Complied with for Introduction in the last 35 Days of
Session

Introduced and read first time: March 24, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Sales of Previously Sold Undergarments and Bathing Suits**
3 **– Prohibited**

4 FOR the purpose of prohibiting retail establishments from selling certain
5 undergarments or bathing suits that have been previously sold and returned to
6 the retail establishment; providing for the application of this Act; providing that
7 a retail establishment that violates this Act is guilty of a misdemeanor and on
8 conviction is subject to a certain penalty; defining certain terms; and generally
9 relating to the prohibition on the sale of previously sold undergarments and
10 bathing suits.

11 BY adding to
12 Article – Health – General
13 Section 18–405
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

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

18 **Article – Health – General**

19 **18–405.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
21 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “RETAIL ESTABLISHMENT” MEANS AN ESTABLISHMENT THAT**
2 **SELLS GOODS OR SERVICES TO THE ULTIMATE USER OR CONSUMER FOR**
3 **PERSONAL USE RATHER THAN BUSINESS USE.**

4 **(3) “UNDERGARMENT” MEANS AN ARTICLE OF CLOTHING WORN**
5 **NEXT TO THE SKIN OF AN INDIVIDUAL’S LOWER HALF, INCLUDING UNDERWEAR**
6 **WORN ON AN INDIVIDUAL’S LOWER HALF.**

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

8 **(1) UNDERGARMENTS OR BATHING SUITS IN A RETAIL**
9 **ESTABLISHMENT THAT MARKETS ITS MERCHANDISE AS USED OR**
10 **SECONDHAND;**

11 **(2) UNDERGARMENTS OR BATHING SUITS SEALED IN UNOPENED**
12 **PACKAGING; OR**

13 **(3) BATHING SUIT TOPS SOLD SEPARATELY FROM BATHING SUIT**
14 **BOTTOMS.**

15 **(C) A RETAIL ESTABLISHMENT MAY NOT SELL AN UNPACKAGED OR**
16 **OPEN UNDERGARMENT OR BATHING SUIT THAT HAS BEEN PREVIOUSLY SOLD**
17 **AND RETURNED TO THE RETAIL ESTABLISHMENT.**

18 **(D) A RETAIL ESTABLISHMENT THAT VIOLATES THIS SECTION IS GUILTY**
19 **OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
20 **EXCEEDING \$500.**

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