

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 681
Finance

(Senator Ramirez, *et al.*)

Economic Matters

Consumer Protection - Recovering of Bedding - Limitation

This bill prohibits a person from recovering bedding that is intended to be sold or offered for sale to a consumer unless the person clearly marks the bedding as used. A person who violates the requirement is guilty of a misdemeanor and, if convicted, is subject to a fine of up to \$500.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provision for those cases heard in the District Court. 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.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill defines terms related to the sale of bedding in Maryland.

- “Bedding” means a mattress or box spring that is stuffed or filled with concealed matter (either wholly or partly) that can be used by an individual for sleeping or reclining.
- “Consumer” means an actual or prospective purchaser of goods that are primarily for personal, household, or family purposes.
- “Used” means preowned or having a component that was used previously for any purpose.

Current Law/Background: Although bedding sales are not regulated under State law, federal law requires that any mattress containing used stuffing contain a tag or label with that information. According to the Federal Trade Commission (FTC), depending on the state, used mattresses may contain a tag (sometimes red or yellow in color) that indicates the mattress contains used materials. For states that have labeling requirements for the sale of used mattresses, requirements can vary. For example, in many places, old mattresses that have been recovered with new ticking (strong, tightly woven cotton or linen fabric) can be sold as long as they are sanitized or disinfected before sale. In other states, only certain parts of mattresses (such as the springs) can be reused. If there is no tag present on a mattress, FTC advises consumers to consider doing business with another retailer.

2008 Repeal of State Bedding Law

Chapter 54 of 2008 repealed the State bedding law, which offered consumer protection and safety standards for bedding products and upholstered furniture. Prior to the enactment of Chapter 54 of 2008, the Department of Health and Mental Hygiene (DHMH) issued 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.

Except for retailers who were importers, other retailers and wholesalers who sold only bedding or upholstered furniture made by a licensed manufacturer were exempted.

Any bedding or upholstered furniture that had been disinfected was required to have a tag with the words “content disinfected” and the license number of the disinfector of the article or material. In addition, manufacturers or supply chain dealers were required to attach tags to bedding or upholstered furniture indicating (1) whether it contained new or secondhand material; (2) whether it was secondhand bedding or material; and (3) the materials used in the filling. All tags were required to be in a form approved by DHMH.

Enforcement inspections were conducted, as needed. At any reasonable time, the Secretary of Health and Mental Hygiene or a DHMH representative was authorized to enter and inspect any place where (1) bedding or upholstered furniture was made or renovated; (2) bedding, bedding component parts, or filling material was made or disinfected; or (3) bedding, upholstered furniture, or filling material was sold.

Any person who violated any provision of the State bedding law was guilty of a misdemeanor and subject to a fine of up to \$250 per violation.

DHMH advised at the time that consumer complaints related to the State bedding law were infrequent.

Additional Information

Prior Introductions: SB 1114 of 2016, a similar bill, received a hearing in the Senate Finance Committee, but no further action was taken.

Cross File: None.

Information Source(s): Federal Trade Commission; Department of Legislative Services

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