

2015 -- H 5694

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LC001408
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO HEALTH AND SAFETY -- CHILD PRODUCTS AND UPHOLSTERED
FURNITURE

Introduced By: Representatives Handy, Maldonado, Tanzi, Regunberg, and Lombardi

Date Introduced: February 26, 2015

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-26 of the General Laws entitled "Bedding and Upholstered
2 Furniture" is hereby amended by adding thereto the following section:

3 **23-26-3.1. Sale prohibition.** – (a) Beginning July 1, 2016, no manufacturer, wholesaler,
4 or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use
5 in this state any residential upholstered bedding or furniture, which contains one hundred parts
6 per million (100 ppm) or greater of, either singularly or in combination, the following hazardous
7 flame retardant chemicals:

8 (1) TCEP (tris (2-chloroethyl) phosphate), chemical abstracts service number 115-14-96-
9 8; or

10 (2) TCPP (tris (1-chloro-2-propyl) phosphate), chemical abstract service number 13674-
11 84-5).

12 (3) TDCPP (tris (1,3-dichloro-2-propyl) phosphate), chemical abstracts service 12
13 number 13674-87-8;

14 (b) A manufacturer of products that are banned from sale under this section, must notify
15 persons or entities that sell the manufactured products in this state about the provisions of this
16 section no less than ninety (90) days prior to the effective date of the ban.

17 SECTION 2. Sections 23-26-25 and 23-26-27 of the General Laws in Chapter 23-26
18 entitled "Bedding and Upholstered Furniture" are hereby amended to read as follows:

1 **23-26-25. Rules, regulations, and findings -- Suspension or revocation of permits. --**

2 (a) The director is hereby authorized and empowered to make general rules and regulations and
3 specific rulings, demands, and findings for the enforcement of this chapter, in addition hereto and
4 not inconsistent herewith. The director may suspend or revoke any permit or registration for
5 violation of any provision of this chapter, or any rule, regulation, ruling, or demand made
6 pursuant to the authority granted by this chapter.

7 **(b) The director of the department of health shall investigate and enforce the provisions**
8 **of § 23-26-3.1 and promulgate rules and regulations he or she deems necessary to enforce it.**

9 **23-26-27. Penalty for violations. --** Any person who:

10 (1) Makes, remakes, renovates, sterilizes, prepares, sells, or offers for sale, exchange, or
11 lease any article of bedding as defined by § 23-26-1, not properly tagged as required by this
12 chapter; or

13 (2) Uses in the making, remaking, renovating, or preparing of the article of bedding or in
14 preparing cotton or other material therefor which has been used as a mattress, pillow, or bedding
15 in any public or private hospital, or which has been used by or about any person having an
16 infectious or contagious disease, and which after such use has not been sterilized and approved
17 for use, by the director of business regulation; or

18 (3) Counterfeits or imitates any stamp or permit issued under this chapter shall be guilty
19 of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500) or by
20 imprisonment for not more than six (6) months or both.

21 **(4) Any person or entity that violates § 23-26-3.1 shall be civilly fined not to exceed five**
22 **thousand dollars (\$5,000) for the first violation, and up to ten thousand dollars (\$10,000) for each**
23 **subsequent violation.**

24 SECTION 3. Sections 23-75-3 and 23-75-8 of the General Laws in Chapter 23-75
25 entitled "Children's Product Safety Act" are hereby amended to read as follows:

26 **23-75-3. Unsafe children's products -- Prohibition. --** (a) No commercial user may
27 remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place in the
28 stream of commerce, on or after January 1, 2004, a children's product that is unsafe.

29 (b) A children's product is deemed to be unsafe for purposes of this chapter if it meets
30 any of the following criteria:

31 (1) It does not conform to all federal laws and regulations setting forth standards for the
32 children's product.

33 (2) It has been recalled for any reason by an agency of the federal government or the
34 product's manufacturer, distributor, or importer and the recall has not been rescinded.

1 (3) An agency of the federal government has issued a warning that a specific product's
2 intended use constitutes a safety hazard and the warning has not been rescinded.

3 (c) A crib is presumed to be unsafe for purposes of this chapter if it does not conform to
4 the standards endorsed or established by the Consumer Product Safety Commission, including,
5 but not limited to, title 16 of the Code of Federal Regulations and the American Society for
6 Testing and Materials, as follows:

7 (1) 16 CFR Part 1508 and any regulations adopted to amend or supplement the
8 regulations.

9 (2) 16 CFR Part 1509 and any regulations adopted to amend or supplement the
10 regulations.

11 (3) 16 CFR Part 1303 and any regulations adopted to amend or supplement the
12 regulations.

13 (4) The following standards and specifications of the American Society for Testing
14 Materials for corner posts of baby cribs and structural integrity of baby cribs:

15 (i) ASTM F 966-90 (corner post standard).

16 (ii) ASTM F 1169-88 (structural integrity of full-size baby cribs).

17 (iii) ASTM F 1822-97 (non-full-size cribs).

18 (d) Cribs that are unsafe shall include, but not be limited to, cribs that have any of the
19 following dangerous features or characteristics:

20 (1) Corner posts that extend more than one-sixteenth (1/16) of an inch.

21 (2) Spaces between side slats more than 2.375 inches.

22 (3) Mattress support that can be easily dislodged from any point of the crib. A mattress
23 segment can be easily dislodged if it cannot withstand at least a twenty-five (25) pound upward
24 force from underneath the crib.

25 (4) Cutout designs on the end panels.

26 (5) Rail height dimensions that do not conform to both of the following:

27 (i) The height of the rail and end panel as measured from the top of the rail or panel in its
28 lowest position to the top of the mattress support in its highest position is at least nine (9) inches.

29 (ii) The height of the rail and end panel as measured from the top of the rail or panel in
30 its highest position to the top of the mattress support in its lowest position is at least twenty-six
31 (26) inches.

32 (6) Any screws, bolts, or hardware that are loose and not secured.

33 (7) Sharp edges, points, or rough surfaces, or any wood surfaces that are not smooth and
34 free from splinters, splits, or cracks.

1 (8) Tears in mesh or fabric sides in a non-full-size crib.

2 (9) A non-full-size crib that folds in a "V" shape design does not have top rails that
3 automatically lock into place when the crib is fully set up.

4 (10) The mattress pad in a non-full-size mesh/fabric crib exceeds one inch (1").

5 (e) Beginning July 1, 2016, no manufacturer, wholesaler, or retailer may manufacture,
6 knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any child
7 products, as defined in § 23-75-2(1)(i) which contains one hundred parts per million (100 ppm) or
8 greater of, either singularly or in combination, the following hazardous flame retardant chemicals:

9 (1) TCEP (tris (2-chloroethyl) phosphate), chemical abstracts service number 115-14-96-
10 8; or

11 (2) TCPP (tris (1-chloro-2-propyl) phosphate), chemical abstract service number 13674-
12 84-5).

13 (3) TDCPP (tris (1,3-dichloro-2-propyl) phosphate), chemical abstracts service 12
14 number 13674-87-8;

15 **23-75-8. Penalty.** – (a) A commercial user who willfully and knowingly violates § 23-
16 75-6 is guilty of a misdemeanor.

17 (b) Any person or entity that violates § 23-75-3(a) shall be fined not to exceed five
18 thousand dollars (\$5,000) for the first violation, and up to ten thousand dollars (\$10,000) for each
19 subsequent violation.

20 SECTION 4. Chapter 23-75 of the General Laws entitled "Children's Product Safety Act"
21 is hereby amended by adding thereto the following section:

22 **23-75-9. Enforcement.** – The director of the department of health shall investigate and
23 enforce the provisions of § 23-75-3(e) and may promulgate rules and regulations he or she deems
24 necessary to enforce it.

25 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY -- CHILD PRODUCTS AND UPHOLSTERED
FURNITURE

1 This act would prohibit the manufacture, sale and distribution of residential upholstered
2 furniture and upholstered bedding and children's products that contain certain amounts of the
3 following three (3) hazardous flame retardant chemicals: TCEP, TCPP, and TDCPP.

4 This act would take effect upon passage.

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