

**2017 -- H 5082 SUBSTITUTE A**

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LC000407/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

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A N A C T

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

Introduced By: Representatives Morin, Handy, Regunberg, Casey, and Ajello

Date Introduced: January 12, 2017

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.**

4           (a) Beginning on July 1, 2018, no manufacturer, wholesaler, or retailer may manufacture,  
5 knowingly sell, offer for sale, or distribute for use in this state any residential upholstered bedding  
6 or furniture, which contains one hundred parts per million (100 ppm), or greater of any  
7 organohalogen flame retardant chemical. This class includes any chemical containing the element  
8 bromine or chlorine bonded to carbon that is added to a plastic, foam, or textile.

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

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

14           **23-26-25. Rules, regulations, and findings -- Suspension or revocation of permits.**

15           (a) The director is hereby authorized and empowered to make general rules and  
16 regulations and specific rulings, demands, and findings for the enforcement of this chapter, in  
17 addition hereto and not inconsistent herewith. The director may suspend or revoke any permit or  
18 registration for violation of any provision of this chapter, or any rule, regulation, ruling, or

1 demand made pursuant to the authority granted by this chapter.

2 [\(b\) The director of the department of health shall investigate and enforce the provisions](#)  
3 [of §23-26-3.1, and promulgate rules and regulations deemed necessary to enforce it.](#)

4 **23-26-27. Penalty for violations.**

5 Any person who:

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

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

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

17 [\(4\) Any person or entity that violates the provisions of §23-26-3.1 shall be civilly fined](#)  
18 [not to exceed five thousand dollars \(\\$5,000\) for the first violation, and up to ten thousand dollars](#)  
19 [\(\\$10,000\) for each subsequent violation.](#)

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

22 **23-75-3. Unsafe children's products -- Prohibition.**

23 (a) No commercial user may remanufacture, retrofit, sell, contract to sell or resell, lease,  
24 sublet, or otherwise place in the stream of commerce, on or after January 1, 2004, a children's  
25 product that is unsafe.

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

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

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

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

34 (c) A crib is presumed to be unsafe for purposes of this chapter if it does not conform to

1 the standards endorsed or established by the Consumer Product Safety Commission, including,  
2 but not limited to, title 16 of the Code of Federal Regulations and the American Society for  
3 Testing and Materials, as follows:

4 (1) 16 CFR Part 1508 and any regulations adopted to amend or supplement the  
5 regulations.

6 (2) 16 CFR Part 1509 and any regulations adopted to amend or supplement the  
7 regulations.

8 (3) 16 CFR Part 1303 and any regulations adopted to amend or supplement the  
9 regulations.

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

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

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

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

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

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

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

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

22 (4) Cutout designs on the end panels.

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

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

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

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

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

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

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

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

2 (e) Beginning on July 1, 2018, no manufacturer, wholesaler, or retailer may manufacture,  
3 knowingly sell, offer for sale, or distribute for use in this state any residential upholstered bedding  
4 or furniture, which contains one hundred parts per million (100 ppm), or greater of any  
5 organohalogen flame retardant chemical. This class includes any chemical containing the element  
6 bromine or chlorine bonded to carbon that is added to a plastic, foam, or textile.

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

10 **23-75-8. Penalty.**

11 (a) A commercial user who willfully and knowingly violates § 23-75-6 is guilty of a  
12 misdemeanor.

13 (b) Any person or entity that violates the provisions of §23-75-3(a) shall be civilly fined  
14 not to exceed five thousand dollars (\$5,000) for the first violation, and up to ten thousand dollars  
15 (\$10,000) for each subsequent violation.

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

18 **23-75-9. Enforcement.**

19 The director of the department of health shall investigate and enforce the provisions of  
20 §23-75-3(e), and promulgate rules and regulations deemed necessary to enforce it.

21 SECTION 5. This act shall take effect July 1, 2019.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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

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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 a  
3 chemical containing the element bromide or chlorine bonded to carbon that is added to a plastic,  
4 foam, or textile.

5           This act would take effect July 1, 2019.

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