

2019 -- H 5119

=====
LC000341
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

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

Introduced By: Representatives Morin, Phillips, Casey, Vella-Wilkinson, and O'Brien

Date Introduced: January 11, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-26-3.1 of the General Laws in Chapter 23-26 entitled "Bedding
2 and Upholstered Furniture" is hereby amended to read as follows:

3 **23-26-3.1. Sale prohibition. [Effective January 1, 2020.]**

4 (a) Beginning on ~~July 1, 2019~~ January 1, 2020, no manufacturer, wholesaler, or retailer
5 may manufacture, knowingly sell, offer for sale, or distribute for use in this state any residential
6 upholstered bedding or furniture, which contains one ~~hundred thousand~~ parts per million (~~100~~
7 ~~ppm~~) (1,000 ppm) or greater of any non-polymeric organohalogen flame retardant chemical. This
8 class includes any chemical containing the element bromine or chlorine bonded to carbon that is
9 added to a plastic, foam, fabric, or textile.

10 (b) Internal electric and electronic components of residential upholstered furniture or
11 bedding or residential furniture or bedding sold for use in commercial or public spaces are not
12 subject to the restrictions in this section.

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

16 (d) The prohibition and any related regulations shall not apply to products sold or in use
17 prior to January 1, 2020.

18 SECTION 2. Section 23-75-3 of the General Laws in Chapter 23-75 entitled "Children's

1 Product Safety Act" is hereby amended to read as follows:

2 **23-75-3. Unsafe children's products -- Prohibition. [Effective January 1, 2020.]**

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

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

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

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

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

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

18 (1) 16 C.F.R. Part 1508 and any regulations adopted to amend or supplement the
19 regulations.

20 (2) 16 C.F.R. Part 1509 and any regulations adopted to amend or supplement the
21 regulations.

22 (3) 16 C.F.R. Part 1303 and any regulations adopted to amend or supplement the
23 regulations.

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

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

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

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

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

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

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

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

1 force from underneath the crib.

2 (4) Cutout designs on the end panels.

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

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

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

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

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

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

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

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

16 (e) Beginning on ~~July 1, 2018~~ [January 1, 2020](#), no manufacturer, wholesaler, or retailer
17 may manufacture, knowingly sell, offer for sale, or distribute for use in this state any residential
18 upholstered bedding or furniture, which contains one ~~hundred thousand~~ [parts per million \(100](#)
19 ~~ppm)~~ [\(1,000 ppm\)](#), or greater of any [non-polymeric](#) organohalogen flame retardant chemical. This
20 class includes any chemical containing the element bromine or chlorine bonded to carbon that is
21 added to a plastic, foam, [fabric](#), or textile.

22 [\(f\) Internal electric and electronic components of residential upholstered furniture or](#)
23 [bedding or residential furniture or bedding sold for use in commercial or public spaces are not](#)
24 [subject to the restrictions in this section.](#)

25 ~~(f)~~[\(g\)](#) A manufacturer of products that are banned from sale under this section, must
26 notify persons or entities that sell the manufactured products in this state about the provisions of
27 this section no less than ninety (90) days prior to the effective date of the ban.

28 [\(h\) The prohibition and any related regulations shall not apply to products sold or in use](#)
29 [prior to January 1, 2020.](#)

30 SECTION 3. This act shall take effect on January 1, 2020.

=====
LC000341
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would increase from one hundred parts per million (100 ppm) to one thousand
2 parts per million (1,000 ppm) the maximum amount of non-polymeric organohalogen flame
3 retardant chemical contained in residential upholstered bedding and furniture, manufactured or
4 sold in the state.

5 This act would take effect on January 1, 2020.

=====
LC000341
=====