

2018 -- H 8347

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LC005970
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HEALTH AND SAFETY - CHILD PRODUCTS AND UPHOLSTERED
FURNITURE

Introduced By: Representative Michael Morin

Date Introduced: June 21, 2018

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 July 1, 2019.].**

4 (a) Beginning on July 1, 2019, 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)~~ one thousand parts per
7 million (1,000 ppm) or greater of any organohalogen flame retardant chemical. This class
8 includes any chemical containing the element bromine or chlorine bonded to carbon that is added
9 to a plastic, foam, or textile.

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

13 SECTION 2. Section 23-75-3 of the General Laws in Chapter 23-75 entitled "Children's
14 Product Safety Act" is hereby amended to read as follows:

15 **23-75-3. Unsafe children's products -- Prohibition. [Effective until July 1, 2019.].**

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

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

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

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6 product's manufacturer, distributor, or importer and the recall has not been rescinded.

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8 intended use constitutes a safety hazard and the warning has not been rescinded.

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

13 (1) 16 CFR Part 1508 and any regulations adopted to amend or supplement the
14 regulations.

15 (2) 16 CFR Part 1509 and any regulations adopted to amend or supplement the
16 regulations.

17 (3) 16 CFR Part 1303 and any regulations adopted to amend or supplement the
18 regulations.

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

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

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

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

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

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

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

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

31 (4) Cutout designs on the end panels.

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

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

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

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

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

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

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

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

11 **23-75-3. Unsafe children's products -- Prohibition. [Effective July 1, 2019.].**

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

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

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

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

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

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

27 (1) 16 C.F.R. Part 1508 and any regulations adopted to amend or supplement the
28 regulations.

29 (2) 16 C.F.R. Part 1509 and any regulations adopted to amend or supplement the
30 regulations.

31 (3) 16 C.F.R. Part 1303 and any regulations adopted to amend or supplement the
32 regulations.

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

- 1 (i) ASTM F 966-90 (corner post standard).
- 2 (ii) ASTM F 1169-88 (structural integrity of full-size baby cribs).
- 3 (iii) ASTM F 1822-97 (non-full-size cribs).
- 4 (d) Cribs that are unsafe shall include, but not be limited to, cribs that have any of the
- 5 following dangerous features or characteristics:
- 6 (1) Corner posts that extend more than one-sixteenth (1/16) of an inch.
- 7 (2) Spaces between side slats more than 2.375 inches.
- 8 (3) Mattress support that can be easily dislodged from any point of the crib. A mattress
- 9 segment can be easily dislodged if it cannot withstand at least a twenty-five-pound (25) upward
- 10 force from underneath the crib.
- 11 (4) Cutout designs on the end panels.
- 12 (5) Rail height dimensions that do not conform to both of the following:
- 13 (i) The height of the rail and end panel as measured from the top of the rail or panel in its
- 14 lowest position to the top of the mattress support in its highest position is at least nine (9) inches.
- 15 (ii) The height of the rail and end panel as measured from the top of the rail or panel in its
- 16 highest position to the top of the mattress support in its lowest position is at least twenty-six (26)
- 17 inches.
- 18 (6) Any screws, bolts, or hardware that are loose and not secured.
- 19 (7) Sharp edges, points, or rough surfaces, or any wood surfaces that are not smooth and
- 20 free from splinters, splits, or cracks.
- 21 (8) Tears in mesh or fabric sides in a non-full-size crib.
- 22 (9) A non-full-size crib that folds in a "V" shape design does not have top rails that
- 23 automatically lock into place when the crib is fully set up.
- 24 (10) The mattress pad in a non-full-size mesh/fabric crib exceeds one inch (1").
- 25 (e) Beginning on July 1, 2018, no manufacturer, wholesaler, or retailer may manufacture,
- 26 knowingly sell, offer for sale, or distribute for use in this state any residential upholstered bedding
- 27 or furniture, which contains ~~one hundred parts per million (100 ppm)~~ one thousand parts per
- 28 million (1,000 ppm), or greater of any organohalogen flame retardant chemical. This class
- 29 includes any chemical containing the element bromine or chlorine bonded to carbon that is added
- 30 to a plastic, foam, or textile.
- 31 (f) A manufacturer of products that are banned from sale under this section, must notify
- 32 persons or entities that sell the manufactured products in this state about the provisions of this
- 33 section no less than ninety (90) days prior to the effective date of the ban.
- 34

1 SECTION 3. 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
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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 allowable amount of organohalogen flame retardant
3 chemical that can be contained in residential upholstered bedding and furniture, manufactured or
4 sold in Rhode Island.

5 This act would take effect upon passage.

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