

1417--A

2007-2008 Regular Sessions

I N A S S E M B L Y

January 9, 2007

Introduced by M. of A. BRADLEY, BRODSKY, ESPAILLAT, GABRYSZAK --
Multi- Sponsored by -- M. of A. GOTTFRIED, HOOPER, McENENY, PHEFFER --
read once and referred to the Committee on Consumer Affairs and
Protection -- recommitted to the Committee on Consumer Affairs and Protection
in accordance with Assembly Rule 3, sec. 2 -- committee discharged,
bill amended, ordered reprinted as amended and recommitted to said
commit-tee

AN ACT to amend the general business law and the executive
law, in relation to requiring mattresses and upholstered furniture to be
fire retardant

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEM- BLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new
section
2 385-b to read as follows:
3 S 385-B. MATTRESSES AND UPHOLSTERED FURNITURE TO BE FIRE
RETARDANT. 1.
4 AS USED IN THIS SECTION:
5 (A) "FIRE RETARDANT" MEANS A PRODUCT THAT MEETS THE
REGULATIONS
6 ADOPTED BY THE OFFICE OF FIRE PREVENTION AND CONTROL. THIS DOES
NOT
7 INCLUDE FURNITURE USED EXCLUSIVELY FOR THE PURPOSE OF PHYSICAL
FITNESS
8 AND EXERCISE.
9 (B) "BEDDING" MEANS ANY QUILTED PAD, PACKING PAD, MATTRESS
PAD,
10 HAMMOCK PAD, MATTRESS, COMFORTER, QUILT, SLEEPING BAG, BOX
SPRING,
11 STUDIO COUCH, PILLOW OR CUSHION MADE OF LEATHER, CLOTH OR ANY
OTHER
12 MATERIAL, WHICH IS OR CAN BE STUFFED OR FILLED IN WHOLE OR IN PART
WITH
13 ANY CONCEALED SUBSTANCE OR MATERIAL, WHICH CAN BE USED BY ANY
HUMAN
14 BEING FOR SLEEPING OR RECLINING PURPOSES.

15 2. (A) ALL MATTRESSES AND BOX SPRINGS MANUFACTURED FOR SALE IN
THIS
16 STATE SHALL BE FIRE RETARDANT PURSUANT TO SECTION ONE
HUNDRED
17 FIFTY-SIX-H OF THE EXECUTIVE LAW. THE OFFICE OF FIRE PREVENTION
AND
18 CONTROL SHALL ADOPT REGULATIONS NO LATER THAN JANUARY FIRST, TWO
THOU-
19 SAND NINE, REQUIRING THAT FIRE RETARDANT MATTRESSES AND BOX SPRINGS
MEET

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets

{ } is old law to be omitted.

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02-8

A. 1417--A

2

1 A RESISTANCE TO OPEN-FLAME TEST THAT USES A PASS OR FAIL
PERFORMANCE
2 CRITERIA BASED ON A TEST METHOD DEVELOPED BY THE OFFICE OF
FIRE
3 PREVENTION AND CONTROL OR THAT IS BASED ON ASTM E 1590. IF THE OFFICE
OF
4 FIRE PREVENTION AND CONTROL CONCLUDES THAT OTHER BEDDING
CONTRIBUTES TO
5 MATTRESS FIRES, THE REGULATIONS SHALL REQUIRE THE OTHER BEDDING TO
BE
6 FLAME RETARDANT UNDER THE RESISTANCE TO OPEN-FLAME TEST. IF
FEASIBLE,
7 THE OFFICE OF FIRE PREVENTION AND CONTROL REGULATIONS SHALL
PERMIT A
8 MANUFACTURER TO COMPLY WITH THE RESISTANCE TO OPEN-FLAME TEST BY
TESTING
9 A SMALL SCALE VERSION OF ITS PRODUCT. IN DEVELOPING THESE
REGULATIONS,
10 THE OFFICE OF FIRE PREVENTION AND CONTROL MAY CONTRACT, COOPERATE,
OR
11 OTHERWISE SHARE RESOURCES WITH OTHER GOVERNMENT AGENCIES, PRIVATE
ORGAN-
12 IZATIONS, OR INDEPENDENT CONTRACTORS THAT IT CONSIDERS APPROPRIATE
FOR
13 PURPOSES OF REVIEWING TEST CRITERIA AND METHODS, EQUIPMENT
SPECIFICA-
14 TIONS, AND OTHER RELEVANT SUBJECTS. THESE REGULATIONS SHALL BECOME
INOP-
15 ERATIVE UPON THE EFFECTIVE DATE OF ANY FEDERAL LAW OR REGULATION
ESTAB-
16 LISHING AN OPEN-FLAME RESISTANCE STANDARD FOR THESE PRODUCTS. THE
OFFICE
17 OF FIRE PREVENTION AND CONTROL SHALL SUBMIT A REPORT TO THE GOVERNOR
AND
18 THE LEGISLATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND NINE,
SUMMARIZ-
19 ING ITS REGULATORY FINDINGS.
20 (B) REQUIREMENTS FOR FLAME RESISTANT MATTRESSES, BOX SPRINGS, OR
OTHER
21 BEDDING PRODUCTS SHALL NOT APPLY TO ANY HOTEL, MOTEL, BED AND
BREAKFAST,

22 INN, OR SIMILAR TRANSIENT LODGING ESTABLISHMENT THAT HAS AN
AUTOMATIC
23 FIRE EXTINGUISHING SYSTEM THAT CONFORMS TO APPLICABLE STATE CODES.
24 (C) ALL SEATING FURNITURE SOLD OR OFFERED FOR SALE BY AN
IMPORTER,
25 MANUFACTURER, OR WHOLESALE FOR USE IN THIS STATE, INCLUDING ANY
SEATING
26 FURNITURE SOLD TO OR OFFERED FOR SALE FOR USE IN A HOTEL, MOTEL,
OR
27 OTHER PLACE OF PUBLIC ACCOMMODATION IN THIS STATE, AND
REUPHOLSTERED
28 FURNITURE TO WHICH FILLING MATERIALS ARE ADDED, SHALL BE FIRE
RETARDANT
29 AND SHALL BE LABELED IN A MANNER SPECIFIED BY THE OFFICE OF
FIRE
30 PREVENTION AND CONTROL.
31 S 2. The executive law is amended by adding a new section 156-h
to
32 read as follows:
33 S 156-H. FIRE SAFETY STANDARDS FOR MATTRESSES AND UPHOLSTERED
FURNI-
34 TURE. 1. AS USED IN THIS SECTION:
35 (A) "FIRE RETARDANT" MEANS A PRODUCT THAT MEETS THE
REGULATIONS
36 ADOPTED BY THE OFFICE OF FIRE PREVENTION AND CONTROL. THIS DOES
NOT
37 INCLUDE FURNITURE USED EXCLUSIVELY FOR THE PURPOSE OF PHYSICAL
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39 (B) "BEDDING" MEANS ANY QUILTED PAD, PACKING PAD, MATTRESS
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41 STUDIO COUCH, PILLOW OR CUSHION MADE OF LEATHER, CLOTH OR ANY
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42 MATERIAL, WHICH IS OR CAN BE STUFFED OR FILLED IN WHOLE OR IN PART
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45 2. (A) ALL MATTRESSES AND BOX SPRINGS MANUFACTURED FOR SALE IN
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46 STATE SHALL BE FIRE RETARDANT. THE OFFICE OF FIRE PREVENTION AND
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47 SHALL ADOPT REGULATIONS NO LATER THAN JANUARY FIRST, TWO THOUSAND
NINE,
48 REQUIRING THAT FIRE RETARDANT MATTRESSES AND BOX SPRINGS MEET A
RESIST-
49 ANCE TO OPEN-FLAME TEST THAT USES A PASS OR FAIL PERFORMANCE
CRITERIA
50 BASED ON A TEST METHOD DEVELOPED BY THE OFFICE OF FIRE PREVENTION
AND
51 CONTROL OR THAT IS BASED ON ASTM 1590. IF THE OFFICE OF FIRE
PREVENTION
52 AND CONTROL CONCLUDES THAT OTHER BEDDING CONTRIBUTES TO MATTRESS
FIRES,
53 THE REGULATIONS SHALL REQUIRE THE OTHER BEDDING TO BE FLAME
RETARDANT
54 UNDER THE RESISTANCE TO OPEN-FLAME TEST. IF FEASIBLE, THE OFFICE OF
FIRE

55 PREVENTION AND CONTROL REGULATIONS SHALL PERMIT A MANUFACTURER TO
COMPLY
56 WITH THE RESISTANCE TO OPEN-FLAME TEST BY TESTING A SMALL SCALE
VERSION

A. 1417--A

3

1 OF ITS PRODUCT. IN DEVELOPING THESE REGULATIONS, THE OFFICE OF
FIRE
2 PREVENTION AND CONTROL MAY CONTRACT, COOPERATE, OR OTHERWISE
SHARE
3 RESOURCES WITH OTHER GOVERNMENT AGENCIES, PRIVATE ORGANIZATIONS,
OR
4 INDEPENDENT CONTRACTORS THAT IT CONSIDERS APPROPRIATE FOR
PURPOSES OF
5 REVIEWING TEST CRITERIA AND METHODS, EQUIPMENT SPECIFICATIONS, AND
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6 RELEVANT SUBJECTS. THESE REGULATIONS SHALL BECOME INOPERATIVE UPON
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7 EFFECTIVE DATE OF ANY FEDERAL LAW OR REGULATION ESTABLISHING
AN
8 OPEN-FLAME RESISTANCE STANDARD FOR THESE PRODUCTS. THE OFFICE OF
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9 PREVENTION AND CONTROL SHALL SUBMIT A REPORT TO THE GOVERNOR AND
THE
10 LEGISLATURE ON OR BEFORE JANUARY FIRST, TWO THOUSAND NINE,
SUMMARIZING
11 ITS REGULATORY FINDINGS.

12 (B) REQUIREMENTS FOR FLAME RESISTANT MATTRESSES, BOX SPRINGS, OR
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19 OTHER PLACE OF PUBLIC ACCOMMODATION IN THIS STATE, AND
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21 AND SHALL BE LABELED IN A MANNER SPECIFIED BY THE OFFICE OF
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22 PREVENTION AND CONTROL.

23 3. THE ATTORNEY GENERAL SHALL HAVE THE POWER TO ASSESS A FINE OF
UP TO
24 ONE THOUSAND DOLLARS FOR EACH VIOLATION OF THIS SECTION. TO ENFORCE
THE
25 PROVISIONS OF THIS SECTION, THE ATTORNEY GENERAL MAY BRING AN ACTION
ON
26 BEHALF OF THE PEOPLE OF THE STATE OF NEW YORK TO ENJOIN
ACTS IN
27 VIOLATION OF THIS SECTION AND TO RECOVER CIVIL PENALTIES
AUTHORIZED
28 UNDER THIS SUBDIVISION.

29 S 3. This act shall take effect on the sixtieth day after it
shall

30 have become a law.