

AMENDED IN ASSEMBLY AUGUST 20, 2009

AMENDED IN ASSEMBLY JULY 14, 2009

AMENDED IN SENATE MAY 5, 2009

SENATE BILL

No. 772

Introduced by Senator Leno

February 27, 2009

An act to add Section 19161.4 to the Business and Professions Code, relating to home furnishings.

LEGISLATIVE COUNSEL'S DIGEST

SB 772, as amended, Leno. Home furnishings: fire retardancy: juvenile products.

Existing law, the Home Furnishings and Thermal Insulation Act, which establishes the Bureau of Home Furnishings and Thermal Insulation, requires that all seating furniture sold or offered for sale for use in this state be fire retardant, as defined, and requires all bedding products, other than mattresses and mattress sets, that the bureau determines to contribute to mattress bedding fires to comply with specified regulations adopted by the bureau. Existing law makes a violation of these provisions a crime.

This bill would exempt strollers, infant carriers, bassinets, and nursing pillows from those requirements, and would require products that do not meet those requirements to be labeled in a specified manner. The bill would authorize the bureau to modify this exemption if it determines that any of the exempted products pose a serious fire hazard. Because a violation of the labeling requirement would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19161.4 is added to the Business and
2 Professions Code, to read:

3 19161.4. (a) The requirements of subdivisions (b) and (c) of
4 Section 19161 and the regulations adopted thereunder shall not
5 apply to strollers, infant carriers, bassinets, or nursing pillows.

6 (b) A stroller, infant carrier, bassinet, or nursing pillow that
7 does not comply with subdivision (b) or (c) of Section 19161 and
8 the regulations adopted thereunder shall be labeled in a prominent
9 manner on both the product's ~~price tag~~ *exterior packaging* and
10 permanently on the product itself. This label shall indicate that the
11 product has not been tested under California's flammability
12 standard and may not resist open flame.

13 (c) The bureau may, by regulation, modify the exemption
14 provided under this section if the bureau determines that any of
15 the products identified in subdivision (a) pose a serious fire hazard.

16 (d) The exemption provided under this section shall not apply
17 to products subject to Part 1633 of Title 16 of the Code of Federal
18 Regulations.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

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