



Senate

General Assembly

File No. 65

February Session, 2004

Substitute Senate Bill No. 138

Senate, March 15, 2004

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE MANUFACTURE OF BEDDING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-231 of the general statutes, as amended by
2 section 146 of public act 03-6 of the June 30 special session, is repealed
3 and the following is substituted in lieu thereof (*Effective October 1,*
4 *2004*):

5 When used in sections 21a-231 to 21a-236, inclusive, as amended:

6 (1) "Bedding" means any mattress, pillow, cushion, quilt, bed pad,
7 comforter, sleeping bag, upholstered spring bed, box spring,
8 davenport, bedspring metal couch, metal bed, metal cradle, hammock
9 pillow, upholstered furniture or other substantially similar article or
10 part thereof used or intended to be used for sleeping, resting or
11 reclining.

12 (2) "Commissioner" means the Commissioner of Agriculture and
13 Consumer Protection or [his] such commissioner's designee.

14 (3) "Department" means the Department of Agriculture and
15 Consumer Protection.

16 (4) "Fee", "permit fee" and "license fee" mean the respective fees paid
17 at the time of application for the issuance or renewal of any permit or
18 license.

19 (5) "Filling material" means any natural or synthetic fibers or
20 filaments, down, feathers or other soft material which may be used in
21 the manufacture of bedding.

22 (6) "Importer" means any person who imports bedding from outside
23 the United States.

24 [(6)] (7) "Manufacture", "make", or "made" refer to the assembly,
25 construction or the importation of bedding or filling material for sale.

26 [(7)] (8) "Manufacturer" means any person who makes or prepares
27 for sale or imports bedding, in whole or in part, that contains filling
28 material.

29 [(8)] (9) "New" means any filling material or bedding which has not
30 been previously used for any purpose. [; except that bedding or filling
31 material returned by the consumer for exchange, alteration or
32 correction within thirty days from the date it is delivered to the
33 consumer shall be deemed to be new.]

34 [(9)] (10) "Person" means an individual, partnership, corporation,
35 limited liability company, association, receiver or agent.

36 [(10)] (11) "Renovate" means addition of new filling material to
37 bedding.

38 [(11)] (12) "Renovator" means any person who adds new filling
39 material to bedding for a fee.

40 [(12)] (13) "Sale", "sell", or "sold" [refers to] means offering or
41 exposing for sale or exchange or lease or holding in possession with
42 like intent.

43 (14) "Sanitized" or "method of sanitation" means the direct
44 application of chemicals to kill pathogenic agents.

45 [(13)] (15) "Sterilized" or "method of sterilization" refers to the
46 mitigation of any infective and deleterious substances including
47 germs, fungi and insects from bedding or filling material by a process
48 approved by the commissioner.

49 [(14)] (16) "Secondhand" means any filling material or bedding
50 subject to prior use, [except as provided in subdivision (8) of this
51 section, or which is returned by a consumer for exchange, alteration or
52 correction more than thirty days after the date of delivery to the
53 consumer.]

54 [(15)] (17) "Secondhand dealer" means any person who sells any
55 secondhand bedding.

56 [(16)] (18) "Supply dealer" means any person who manufactures,
57 processes, packages, repackages or otherwise prepares for sale, any
58 filling or material.

59 [(17)] (19) "Upholstered furniture" means any furniture that contains
60 filling material and is used or intended to be used for sitting, resting or
61 reclining.

62 Sec. 2. Section 21a-232 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective October 1, 2004*):

64 (a) No person shall sell as new any bedding or filling material
65 unless it is made from all new material and is tagged as provided in
66 this chapter.

67 (b) No person shall sell, representing it to be new, any secondhand
68 bedding or filling material.

69 (c) No person shall sell any secondhand bedding or filling material
70 or use any secondhand filling material in the manufacture of bedding
71 unless it is tagged as provided in this chapter.

72 (d) No person shall sell any bedding or filling material which has
73 been used by or about someone having an infectious or contagious
74 disease unless such bedding or filling material has been sterilized and
75 is tagged as provided herein.

76 (e) No person shall use any filling material to make an article of
77 bedding that comes from animal or fowl; contains any bugs, vermin,
78 insects or filth; or contains burlap or other material that has been used
79 for baling [; or is secondhand,] unless such filling material has been
80 sterilized or sanitized by a process approved by the commissioner.

81 (f) No person shall sell any bedding or filling material unless there
82 appears on its tag the dealer's license number and, if sterilized or
83 sanitized, the permit number assigned by the commissioner.

84 (g) No person shall sell any secondhand bedding [or filling material]
85 unless (1) it has been sterilized or sanitized and has a tag bearing the
86 secondhand dealer's license number and the permit number of the
87 person performing the sterilization or sanitation, or (2) in the case of
88 secondhand bedding [or filling material] manufactured at least twenty-
89 five but no more than fifty years prior to the date on which such
90 secondhand bedding or filling material is offered for sale, the
91 secondhand dealer notifies the consumer, in writing, that such
92 secondhand bedding [or filling material] has not been sterilized or
93 sanitized.

94 (h) No person shall renovate any bedding unless it has been
95 sterilized and bears a tag showing the license number of the renovator
96 and the permit number of the person sterilizing such bedding.

97 (i) No person shall place or cause to be placed upon any tag the
98 license number or permit number of a person whose license or permit
99 has expired, been suspended or been revoked by the commissioner.

100 (j) No person shall affix or cause to be affixed to bedding or filling
101 material any tag bearing the license number or permit number of a
102 person whose license or permit has expired, been suspended or been

103 revoked by the commissioner.

104 (k) No person shall sell any bedding or filling material which bears
105 a tag showing the license number or permit number of a person whose
106 license or permit has expired, been suspended or been revoked by the
107 commissioner.

108 (l) No person other than a consumer shall remove, deface or alter
109 any tag attached to bedding or filling material.

110 (m) No manufacturer, supply dealer, renovator, secondhand dealer
111 or vendor shall deliver any tag required by this chapter unless it is
112 affixed to an article of bedding or filling material provided that the
113 commissioner may permit the delivery of unattached tags.

114 (n) No person shall possess, make, use or sell any counterfeit license
115 or permit. Each counterfeit license or permit which is made, used or
116 sold shall constitute a separate violation.

117 (o) Nothing in this chapter shall apply to automotive upholstery,
118 private sales from the home of the owner direct to a consumer,
119 bedding offered for sale at public auction in the home of the owner,
120 and bedding manufactured at least fifty years prior to the date on
121 which the bedding is offered for sale.

122 Sec. 3. Section 21a-234 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective October 1, 2004*):

124 (a) No person shall act as a manufacturer, supply dealer, importer,
125 renovator or secondhand dealer without first completing an
126 application and obtaining a numbered license from the commissioner.
127 Based on the information furnished in the application, the
128 commissioner shall determine and issue the appropriate license. The
129 license shall be conspicuously posted in the establishment of the
130 person to whom the license is issued. A license shall be valid for one
131 year.

132 (b) Any method of sterilization or sanitation used in connection

133 with this chapter shall require the prior approval of the commissioner.
134 Each person who wishes to sterilize or sanitize bedding or filling
135 material shall complete an application and obtain a numbered permit
136 from the commissioner. The permit must be conspicuously posted in
137 the establishment of the person to whom the permit is issued. Each
138 permit shall cost twenty-five dollars and shall be valid for one year.

139 (c) Manufacturers shall pay, prior to the issuance or reissuance of a
140 manufacturers' license, a fee of fifty dollars. The licensee may then
141 operate as a manufacturer, supply dealer, renovator or secondhand
142 dealer. Supply dealers shall pay, prior to the issuance or reissuance of
143 a supply dealers' license, a fee of fifty dollars. The licensee may then
144 operate as a supply dealer, renovator or secondhand dealer.
145 Renovators shall pay, prior to the issuance or reissuance of a
146 renovators' license, a fee of twenty-five dollars. The licensee may then
147 operate as a renovator and secondhand dealer. Secondhand dealers
148 shall pay, prior to the issuance or reissuance of a secondhand dealers'
149 license, a fee of twenty-five dollars. The licensee may then operate as a
150 secondhand dealer. Importers shall pay, prior to the issuance or
151 reissuance of an importer's license, a fee of one hundred dollars.

152 (d) A person shall be entitled to a refund of a license or permit fee
153 only in the case of error on the part of the department.

154 Sec. 4. Subsection (a) of section 21a-236 of the general statutes is
155 repealed and the following is substituted in lieu thereof (*Effective*
156 *October 1, 2004*):

157 (a) Each place where bedding or filling material is made, renovated,
158 sterilized, sanitized or sold shall be subject to inspection by the
159 commissioner who may examine the contents of bedding and filling
160 material and order off sale and hold for evidence any bedding or
161 filling material which the commissioner has reason to believe was
162 made or is being sold in violation of this chapter. No bedding or filling
163 material placed off sale by the commissioner shall be sold, altered,
164 interfered with or moved, in whole or in part, until the bedding or
165 filling material is released by the commissioner.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>

GL *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Consumer Protection, Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires anyone who imports bedding from outside of the United States to be licensed. Importers will have to pay a license fee of \$100 annually. The exact amount of bedding importers in the state is unknown at this time.

The bill also allows the sale of sanitized bedding and requires sanitizers to obtain a state permit. A person who sanitizes bedding must obtain a permit and pay \$25 annually. The addition of the importer’s license fee and sanitizer’s license fee will result in a minimal revenue gain.

OLR Bill Analysis

sSB 138

AN ACT CONCERNING THE MANUFACTURE OF BEDDING**SUMMARY:**

This bill (1) allows the sale of “sanitized “ bedding and requires sanitizers to obtain a state permit, (2) prohibits the sale of certain returned merchandise as new, and (3) requires bedding importers to be licensed.

EFFECTIVE DATE: October 1, 2004

SANITIZED BEDDING

The bill allows the sale of filling material for bedding that has been sanitized using a process approved by the consumer protection commissioner. It defines “sanitized” as the direct application of chemicals to kill pathogenic agents. By law, “bedding” means a mattress, pillow, cushion, quilt, bed pad, comforter, sleeping bag, upholstered spring bed, box spring, davenport, bedspring metal couch, metal bed, metal cradle, hammock pillow, upholstered furniture, or similar article used or meant to be used for sleeping, resting, or reading. The law already allows the sale of such material after it has been sterilized.

The bill requires anyone who sanitizes bedding to obtain a permit from the commissioner of agriculture and consumer protection. An applicant must pay a \$25 annual fee. The bill authorizes the commissioner to inspect sanitizers, examine their bedding and filling material, and order off sale bedding or filling material not sold according to law.

RETURNED MERCHANDISE

The law prohibits selling as new any bedding or filling material unless it is made from all new material. The bill eliminates an exception that allowed the sale as new of bedding or filling material that had been returned by a consumer for exchange, alteration, or correction within

30 days after the delivery date.

IMPORTERS

The bill requires anyone who imports bedding from outside of the United States to be licensed by the agriculture and consumer protection commissioner. The license fee is \$100 annually.

FILLING MATERIAL

It allows the use of unsterilized secondhand filling material in the manufacture of bedding and eliminates a prohibition against the sale of unsterilized secondhand filling material.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 0