



Substitute Senate Bill No. 71

Public Act No. 14-170

AN ACT CONCERNING CERTAIN REVISIONS TO THE MATTRESS STEWARDSHIP PROGRAM.

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

Section 1. Subdivision (8) of section 22a-905 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(8) "Mattress" means any resilient material or combination of materials that is enclosed by a ticking, that is used alone or in combination with other products, and that is intended for or promoted for sleeping upon. "Mattress" includes any foundation, [and any] renovated foundation or renovated mattress. "Mattress" does not include any of the following: (A) An unattached mattress pad, an unattached mattress topper, including any item with resilient filling, with or without ticking, that is intended to be used with or on top of a mattress, (B) a sleeping bag [] or pillow, (C) a car bed, (D) juvenile products, including a carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib bumper [] and any pad for such juvenile product, (E) a product that contains liquid or gaseous filled ticking, including any water bed [and] or any air mattress that does not contain upholstery material between the ticking and the mattress core, [and] or (F) any upholstered furniture that does not otherwise contain

Substitute Senate Bill No. 71

a detachable mattress, including, but not limited, to a fold-out sofa bed or a futon;

Sec. 2. Subsections (h) and (i) of section 22a-905a of the 2014 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) On or before July 1, 2014, and every two years thereafter, the council shall propose a mattress stewardship fee for all mattresses sold in this state except crib and bassinette mattresses. The council may propose a change to the mattress stewardship fee more frequently than once every two years if the council determines such change is needed to avoid funding shortfalls or excesses for the mattress stewardship program. Any proposed mattress stewardship fee shall be reviewed by an auditor to assure that such assessment does not exceed the cost to fund the mattress stewardship program described in subsection (a) of this section and to maintain financial reserves sufficient to operate said program over a multiyear period in a fiscally prudent and responsible manner. Not later than sixty days after the council proposes a mattress stewardship fee, the auditor shall render an opinion to the Commissioner of Energy and Environmental Protection as to whether the proposed mattress stewardship fee is reasonable to achieve the goals set forth in this section. If the auditor concludes that the mattress stewardship fee is reasonable, then the proposed fee shall go into effect not less than ninety days after the auditor notifies the commissioner that the fee is reasonable. If the auditor concludes that the mattress stewardship fee is not reasonable, the auditor shall provide the council with written notice explaining the auditor's opinion. Not later than fourteen days after the council's receipt of the auditor's opinion, the council may either propose a new mattress stewardship fee or provide written comments on the auditor's opinion. If the auditor concludes that the fee is not reasonable, the Commissioner of Energy and Environmental Protection shall decide, based on the auditor's opinion

Substitute Senate Bill No. 71

and any comments provided by the council, whether to approve the proposed mattress stewardship fee. Such auditor shall be selected by the council. The cost of any work performed by such auditor pursuant to the provisions of this subsection and subsection (k) of this section shall be funded by the mattress stewardship fee described in this subsection.

(i) On and after the implementation of the mattress stewardship program, [the mattress stewardship fee, established pursuant to subsection (a) of this section and described in subsection (h) of this section, shall be added to the cost of all mattresses sold to retailers and distributors in this state by each producer. On and after such implementation date, each retailer or distributor, as applicable,] each retailer shall add the amount of [such fee] the mattress stewardship fee, established in accordance with subsection (h) of this section, to the purchase price of all mattresses sold in this state. In each transaction described above, the fee shall appear on the invoice and shall be accompanied by a brief description of the fee. The council may, subject to the commissioner's approval, establish an alternative, practicable means of collecting or remitting such fee. Any producer who fails to participate in such program shall not sell mattresses in this state.

Approved June 11, 2014