

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Sturgis Miller**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE THE DIVISION OF SANITARIAN SERVICES
9 OF THE ARKANSAS DEPARTMENT OF HEALTH TO REGULATE THE
10 MANUFACTURE, RENOVATION AND SALE OF BEDDING; TO REQUIRE
11 LABELING OF BEDDING AND MATERIALS; TO ESTABLISH AN ANNUAL
12 REGISTRATION FEE FOR BEDDING MANUFACTURERS AND RENOVATORS
13 TO DEFRAY THE COSTS OF THE PROGRAM; AND FOR OTHER
14 PURPOSES."

15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. Definitions. As used in this Act:

19 (a) "Bedding" means any mattress, upholstered spring, sleeping bag,
20 pad, comforter, cushion, pillow, decorative pillow, and any other item used
21 principally for sleeping. This definition includes only those items which
22 have a thickness of more than one inch. This definition also includes dual
23 purpose furniture such as studio couches and sofa beds. The term "mattress"
24 does not include water bed liners, bladders or cylinders.

25 (b) "Division" means the Division of Sanitarian Services of the
26 Arkansas Department of Health.

27 (c) "Germicidal treatment operator" means any person who applies an
28 approved germicidal process approved by the Division to articles of bedding
29 for the purpose of resale by said operator or as a commercial service for
30 another person.

31 (d) "Manufacturer" means any person whose principal business is the
32 manufacture, from new materials, of articles of bedding for the purpose of
33 sale in the State of Arkansas.

34 (e) "Materials" means all articles or portions thereof, used as filling
35 or covering in the manufacture, repair or renovation of bedding.

1 (f) "New" means any article or material which has not previously been
2 used for any purpose.

3 (g) "Person" means every natural person, partnership, company,
4 corporation, association, government entity, and any other legal entity.

5 (h) "Previously used material" or "secondhand material" means any
6 material which has been used in the manufacture of another article and
7 subsequently torn, shredded, picked apart, or otherwise disintegrated,
8 including jute and shearings or any article or material or portion thereof, of
9 which former use has been made in any manner whatsoever.

10 (i) "Renovate" and "reupholster" means to restore to former condition
11 or to place in good state of repair.

12 (j) "Sanitize" means the treatment of secondhand bedding or previously
13 used materials to be used in renovating for the destruction of pathogenic
14 microorganisms and arthropods and the removal of dirt and filth.

15 (k) "Sell" or "sold" means to sell, offer to sell, barter, trade, rent,
16 or possess with intent to sell, deliver or consign in sale, or dispose of in
17 any other commercial manner.

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19 SECTION 2. Labeling of Bedding.

20 (a) No person shall manufacture, renovate, upholster or sell any
21 article of bedding in this State to which there is not securely attached a
22 cloth-backed tag at least six square inches in size upon which is stamped or
23 printed with ink in the English language the following:

24 (1) The name of the material or materials used to fill such article of
25 bedding;

26 (2) The name and address of the manufacturer, renovator, upholsterer or
27 vendor of the article of bedding;

28 (3) The manufacturer's, upholsterer's or renovator's Certificate of
29 Registration number issued by the Division;

30 (4) The words "made of new materials" if such article of bedding
31 contains no previously used material;

32 (5) The words "made of previously used materials" if the article of
33 bedding contains any previously used material; and

34 (6) The word "secondhand" if the article of bedding has been previously
35 used but not remade. Secondhand bedding shall comply with Section 7 for

1 germicidal treatment of bedding and materials.

2 (b) The words so stamped shall be in letters at least one-eighth (1/8)
3 inch high. The color or lettering as recommended by the Association of
4 Bedding and Furniture Law Officials for Uniform Tagging Procedure shall be
5 acceptable for the purpose of this Section.

6 (c) No trade, superfluous or substitute terms or words shall be used on
7 the required tag.

8 (d) It shall be unlawful to make any false or misleading statements on
9 the tag required by this Section.

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11 SECTION 3. Altering Tags Prohibited. No person, other than one
12 purchasing bedding for personal use or a representative of the Division shall
13 remove, deface or alter the tag required by Section 2 of this Act.

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15 SECTION 4. Required Certificate of Registration and Schedule of Fees.

16 (a) No person, except for his own use, shall manufacture, reupholster,
17 or renovate articles of bedding for sale in this state without first securing
18 a numbered certificate of registration from the Division and paying the fee
19 established for the certificate of registration. The certificate of
20 registration shall expire annually following the date of issue, and the fee
21 shall be paid according to the following schedule:

- 22 (1) Manufacturing of articles of bedding \$50.00
- 23 (2) Renovators and reupholsterers of articles of bedding . . \$25.00

24 (b) A late fee equal to one-half of the registration fee for any
25 manufacturer, renovator or reupholsterer shall be charged after 60 days after
26 expiration.

27 (c) The unpaid registration fee and any assessed late fee will be
28 carried over and if not paid will be added to the next year's permit fee.

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30 SECTION 5. Use and Sale of Materials from Landfills or Other Disposal
31 Sites. No person shall manufacture, or repair, or renovate bedding or
32 batting, using discarded materials obtained from landfills or other disposal
33 sites within or outside the State of Arkansas.

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35 SECTION 6. Selling Regulated.

1 (a) No person shall sell any bedding in Arkansas, whether manufactured
2 within or outside Arkansas, which has not been manufactured, tagged, and
3 labeled in the manner required by this Act and which does not otherwise comply
4 with the provisions of this Act.

5 (b) This Act shall not apply to bedding sold by the owner and previous
6 user from the owner's home directly to a purchaser for the purchaser's own
7 personal use unless the bedding has been exposed to an infectious or
8 communicable disease.

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10 SECTION 7. Germicidal Treatment of Bedding and Materials.

11 (a) No person shall sell, offer for sale or include in a sale any
12 article of secondhand bedding or any article of bedding manufactured in whole
13 or in part from secondhand material unless such bedding has been germicidally
14 treated and cleaned by a method approved by the Division.

15 (b) No person shall use in the manufacture, repair and renovation of
16 bedding any material which has been used by a person with an infectious or
17 contagious disease, or which is filthy, oily, odiferous, or harbors loathsome
18 insects or pathogenic bacteria, unless such material is cleaned and
19 germidically treated by a method approved by the Division.

20 (c) No person shall sell, or offer for sale or include in a sale any
21 bedding material requiring germicidal treatment by this Act unless there is
22 securely attached, by a method approved by the Division, by the person
23 applying the germicidal treatment, a white tag not less than twelve square
24 inches in size, made of substantial cloth or a material of equal quality, upon
25 which shall be plainly printed, in black ink, in the English language, a
26 statement showing that the article or material has been germicidally treated
27 by a method approved by the Division, and the method of germicidal treatment
28 applied.

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30 SECTION 8. Approval of Germicidal Treatment Process. Every germicidal
31 treatment operator shall furnish to the Division a detailed drawing and
32 description of any sanitizing apparatus and treatment process to be used by
33 the operator. It is unlawful for germicidal treatment operators to use any
34 sanitizing apparatus or treatment process which has not been approved by the
35 Division.

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2 SECTION 9. Sanitary Premises. Every bedding manufacturer or renovator
3 shall keep his place of business in a sanitary condition satisfactory to the
4 Division, and failure to do so is sufficient cause to revoke his registration.

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6 SECTION 10. Enforcement of Act. The Division shall enforce this Act,
7 for the protection of the public health and the public welfare. The Division
8 shall make, amend, alter or repeal rules and regulations of procedure for
9 carrying into effect all the provisions of this Act, and prescribe means,
10 methods and practices to make effective such provisions.

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12 SECTION 11. Exceptions. The provisions of this Act shall apply to all
13 bedding manufactured, repaired, or renovated after the effective date hereof,
14 but the same shall not apply to bedding which has been manufactured, repaired
15 or renovated prior to the effective date hereof.

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17 SECTION 12. Reasonable Access. The Division, through its authorized
18 representative, may enter any place or establishment where bedding is
19 manufactured, repaired, renovated, stored, sold, or offered for sale, or where
20 materials are prepared for use in bedding, or where germicidal treatment of
21 bedding is performed, for the purpose of ascertaining whether the requirements
22 of this Act and the regulations of the Division have been met.

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24 SECTION 13. Penalties. Every firm, person or corporation violating any
25 provision of this Act or regulations promulgated under this Act shall be
26 deemed guilty of a misdemeanor, punishable by a fine of not less than one
27 hundred dollars nor more than five hundred dollars, or by imprisonment not
28 exceeding one month, or both, and each day of violation shall constitute a
29 separate offense.

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31 SECTION 14. Proceeds Collected. All fees and fines collected under the
32 provisions of this Act shall be deposited in the State Treasury as special
33 revenues to be credited to the Public Health Fund, and the moneys shall be
34 used only for the operation of the Division. The unexpended balance of the
35 funds received from the collection of bedding registration at the end of each

1 fiscal year shall not be considered as a part of the unexpended fund balances
2 of the Department that are recovered by the State Treasurer at the close of
3 each year, and any such balance shall be carried forward to the next fiscal
4 year to be used for the support of the Division as provided by law.

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7 SECTION 15. All provisions of this Act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 16. If any provision of this Act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the Act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 Act are declared to be severable.

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17 SECTION 17. All laws and parts of laws in conflict with this Act are
18 hereby repealed.

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