As Introduced

136th General Assembly
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H. B. No. 873

Representative Thomas, D.
Cosponsors: Representatives Williams, Brennan

To amend sections 3713.01 and 3713.02 of the Revised Code regarding health and safety requirements for stuffed toys.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3713.01 and 3713.02 of the Revised Code be amended to read as follows:

Sec. 3713.01. As used in sections 3713.01 to 3713.10 of the Revised Code:

(A) "Person" has the same meaning as used in division (C) of section 1.59 of the Revised Code and also means any limited company, limited liability partnership, joint stock company, or other association.

(B) "Bedding" means any upholstered furniture, any mattress, upholstered spring, comforter, bolster, pad, cushion, pillow, mattress protector, quilt, and any other upholstered article, to be used for sleeping, resting, or reclining purposes, and any glider, hammock, or other substantially similar article that is wholly or partly upholstered.

(C) "Secondhand" means any article, or material, or portion thereof of which prior use has been made in any manner

whatsoever. "Secondhand" does not include reclaimed material or recycled material.

(D) "Remade, repaired, or renovated articles not for sale" means any article that is remade, repaired, or renovated for and is returned to the owner for the owner's own use.

(E) "Sale," "sell," or "sold" shall, in the corresponding tense, mean sell, offer to sell, or deliver or consign in sale, or possess with intent to sell, or deliver in sale.

(F) "Upholstered furniture" means any article of furniture wholly or partly stuffed or filled with material and that is used or intended for use for sitting, resting, or reclining purposes.

(G) "Stuffed toy" means any article intended for use as a plaything or for an educational or recreational purpose that is wholly or partially stuffed with material.

(H) "Tag" or "label" means any material prescribed by the superintendent of industrial compliance to be attached to an article that contains information required under this chapter.

(I) "Crib bumper pad" means any padding material, including a roll of stuffed fabric, that is designed for placement within a crib to cushion one or more of the crib's inner sides adjacent to the crib mattress. "Crib bumper pad" excludes a mesh crib liner intended for placement between a crib mattress and one or more of the crib's inner sides, regardless of whether consumer product safety standards promulgated by the United States consumer product safety commission pursuant to section 104 of the "Consumer Product Safety Improvement Act of 2008," 15 U.S.C. 2056a, as amended, include mesh crib liners in the federal definition of "crib bumper pad."

(J) "Reclaimed material" means any material that otherwise would have been disposed of as waste and has been collected and claimed as material input, in lieu of new primary material, for recycling purposes, and may include material that otherwise would have been considered secondhand.

(K) "Recycled material" means any material that has been reprocessed from reclaimed material by means of a manufacturing process and made into a final product or into a component for incorporation into a final product.

Sec. 3713.02. Subject to sections 3713.021 and 3713.022 of the Revised Code, all of the following apply:

(A) Except as provided in section 3713.05 of the Revised Code, no person shall import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding, or sell or offer for sale any second-hand stuffed toy or any second-hand article of bedding, in this state without first registering to do so with the superintendent of industrial compliance in accordance with section 3713.05 of the Revised Code.

(B) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is not labeled in accordance with section 3713.08 of the Revised Code.

(C) No person shall manufacture, offer for sale, sell, deliver, or possess for the purpose of manufacturing, selling, or delivering, an article of bedding or a stuffed toy that is falsely labeled.

(D) No person shall sell or offer for sale any secondhand article of bedding or any secondhand stuffed toy that has not

been sanitized in accordance with section 3713.08 of the Revised Code.

(E) The possession of any article of bedding or stuffed toy in the course of business by a person required to obtain registration under this chapter, or by that person's agent or servant shall be prima-facie evidence of the person's intent to sell the article of bedding or stuffed toy.

(F) A manufacturer of stuffed toys may request a variance from requirements in Chapter 3713. of the Revised Code, and the rules adopted thereunder, through the superintendent of industrial compliance. The superintendent of industrial compliance shall review the request and may issue a variance when strict application of the requirements is unnecessary to protect public health and safety.

Section 2. That existing sections 3713.01 and 3713.02 of the Revised Code are hereby repealed.

Section 3. The Department of Commerce shall update Chapter 4101. of the Ohio Administrative Code labeling requirements related to stuffed toys.