

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 448

Senator Koehler

To amend sections 3713.01 and 3713.02 of the 1
Revised Code regarding health and safety 2
requirements for stuffed toys. 3

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

Section 1. That sections 3713.01 and 3713.02 of the 4
Revised Code be amended to read as follows: 5

Sec. 3713.01. As used in sections 3713.01 to 3713.10 of 6
the Revised Code: 7

(A) "Person" has the same meaning as used in division (C) 8
of section 1.59 of the Revised Code and also means any limited 9
company, limited liability partnership, joint stock company, or 10
other association. 11

(B) "Bedding" means any upholstered furniture, any 12
mattress, upholstered spring, comforter, bolster, pad, cushion, 13
pillow, mattress protector, quilt, and any other upholstered 14
article, to be used for sleeping, resting, or reclining 15
purposes, and any glider, hammock, or other substantially 16
similar article that is wholly or partly upholstered. 17

(C) "Secondhand" means any article, or material, or 18
portion thereof of which prior use has been made in any manner 19
whatsoever. "Secondhand" does not include reclaimed material or 20

<u>recycled material.</u>	21
(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.	22 23 24
(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.	25 26 27
(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.	28 29 30 31
(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.	32 33 34
(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.	35 36 37
(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."	38 39 40 41 42 43 44 45 46 47 48
(J) <u>"Reclaimed material" means any material that otherwise</u>	49

would have been disposed of as waste and has been collected and 50
claimed as material input, in lieu of new primary material, for 51
recycling purposes, and may include material that otherwise 52
would have been considered secondhand. 53

(K) "Recycled material" means any material that has been 54
reprocessed from reclaimed material by means of a manufacturing 55
process and made into a final product or into a component for 56
incorporation into a final product. 57

Sec. 3713.02. Subject to sections 3713.021 and 3713.022 of 58
the Revised Code, all of the following apply: 59

(A) Except as provided in section 3713.05 of the Revised 60
Code, no person shall import, manufacture, renovate, wholesale, 61
or reupholster stuffed toys or articles of bedding, or sell or 62
offer for sale any second-hand stuffed toy or any second-hand 63
article of bedding, in this state without first registering to 64
do so with the superintendent of industrial compliance in 65
accordance with section 3713.05 of the Revised Code. 66

(B) No person shall manufacture, offer for sale, sell, 67
deliver, or possess for the purpose of manufacturing, selling, 68
or delivering, an article of bedding or a stuffed toy that is 69
not labeled in accordance with section 3713.08 of the Revised 70
Code. 71

(C) No person shall manufacture, offer for sale, sell, 72
deliver, or possess for the purpose of manufacturing, selling, 73
or delivering, an article of bedding or a stuffed toy that is 74
falsely labeled. 75

(D) No person shall sell or offer for sale any secondhand 76
article of bedding or any secondhand stuffed toy that has not 77
been sanitized in accordance with section 3713.08 of the Revised 78

Code.	79
(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.	80 81 82 83 84
<u>(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.</u>	85 86 87 88 89 90 91
Section 2. That existing sections 3713.01 and 3713.02 of the Revised Code are hereby repealed.	92 93
Section 3. The Department of Commerce shall update Chapter 4101. of the Ohio Administrative Code labeling requirements related to stuffed toys.	94 95 96