

House Bill 3379

Sponsored by Representative SCHOUTEN (at the request of Benjamin Hoffman, MD)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits manufacturing, retrofitting, selling, leasing, subletting or otherwise placing into stream of commerce any crib bumper pads or crib equipped with crib bumper pads.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to crib bumper pads; creating new provisions; amending ORS 646A.504 and 646A.506; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 646A.504 is amended to read:

6 646A.504. As used in ORS 646A.500 to 646A.514:

7 (1) "Commercial user" means any person, firm, corporation, association or nonprofit corporation,
8 or any agent or employee [*thereof*] **of a person, firm, corporation, association or nonprofit cor-**
9 **poration**, including child care facilities or family child care homes certified or registered by the
10 Office of Child Care under ORS 329A.250 to 329A.450, [*who*] **that:**

11 (a) Deals in cribs of the kind governed by ORS 646A.500 to 646A.514;

12 (b) By virtue of the person's occupation, purports to have knowledge or skill peculiar to the
13 cribs governed by ORS 646A.500 to 646A.514; [*or*]

14 (c) Is in the business of remanufacturing, retrofitting, selling, leasing, subletting or otherwise
15 placing cribs in the stream of commerce[.]; **or**

16 **(d) Uses a crib in caring for infants in return for compensation.**

17 (2) "Crib" means:

18 (a) Any full-size crib as that term is defined in 16 C.F.R. 1508.3; or

19 (b) Any nonfull-size crib as that term is defined in 16 C.F.R. 1509.2(b).

20 **(3) "Crib bumper pad" means a pad, other than a mesh liner or a pad made of a mesh**
21 **material, that rests directly above the mattress in a crib, or that runs along the surface area**
22 **or any of the interior sides of the crib.**

23 [(3)] (4) "Individual" means a natural person who is not a commercial user of cribs.

24 [(4)] (5) "Infant" means an individual who is less than three years of age.

25 **(6) "Place of public accommodation" has the meaning given that term in ORS 659A.400.**

26 **SECTION 2.** ORS 646A.506 is amended to read:

27 646A.506. (1) A commercial user may not remanufacture, retrofit, sell, contract to sell or resell,
28 lease, sublet or otherwise place in the stream of commerce:

29 (a) A crib that is unsafe for an infant using the crib[.]; **or**

30 **(b) A crib bumper pad.**

31 (2) A crib is presumed to be unsafe pursuant to ORS 646A.500 to 646A.514 if [*it*] **the crib** does

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 not conform to the following standards:

2 (a) 16 C.F.R. part 1508;

3 (b) 16 C.F.R. part 1509;

4 (c) 16 C.F.R. part 1303; and

5 (d) American Society for Testing Materials Voluntary Standards F966-90, F1169.88, F1822 and
6 F406.

7 (3) Cribs that are presumed to be unsafe under subsection (2) of this section include but are not
8 limited to cribs with any of the following features or characteristics:

9 (a) Corner posts that extend more than one-sixteenth of an inch;

10 (b) Spaces between side slats more than two and three-eighths inches;

11 (c) Mattress supports that can be easily dislodged from any point of the crib. A mattress support
12 can be easily dislodged if it cannot withstand a 25-pound upward force from underneath the crib;

13 (d) Cutout designs on the end panels;

14 (e) Rail height dimensions that do not conform to the following:

15 (A) The height of the rail and end panel as measured from the top of the rail or panel in its
16 lowest position to the top of the mattress support in its highest position is at least nine inches; or

17 (B) The height of the rail and end panel as measured from the top of the rail or panel in its
18 highest position to the top of the mattress support in its lowest position is at least 26 inches;

19 (f) Any screws, bolts or hardware that is loose or not secured;

20 (g) Sharp edges, points, rough surfaces or any wood surfaces that are not smooth and free from
21 splinters, splits or cracks; [or]

22 (h) Cribs with tears in mesh or fabric sides[.]; **or**

23 **(i) Crib bumper pads incorporated into or included with the crib as an accessory.**

24 (4) An individual may not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet
25 or otherwise place in the stream of commerce a crib that is unsafe for an infant using the crib.

26 **(5) A commercial user or place of public accommodation may not use or have on the**
27 **premises a crib bumper pad unless a medical professional has determined that using a crib**
28 **bumper pad is medically necessary for a particular infant that uses a crib on the premises**
29 **of the commercial user or place of public accommodation.**

30 **(6) The Office of Child Care shall:**

31 **(a) Provide notice of the provisions of this section to child care facilities and family care**
32 **homes certified or registered by the office and to applicants for certification and registration;**
33 **and**

34 **(b) Adopt rules necessary to implement the provisions of this subsection.**

35 **SECTION 3. The amendments to ORS 646A.504 and 646A.506 by sections 1 and 2 of this**
36 **2021 Act apply to manufacturing, retrofitting, selling, leasing, subletting or placing into the**
37 **stream of commerce any crib bumper pads or crib equipped with crib bumper pads that oc-**
38 **curs on or after the effective date of this 2021 Act.**

39 **SECTION 4. This 2021 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
41 **on its passage.**