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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1961 Session of  
2014

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INTRODUCED BY VEREB, THOMAS, MILLARD, JAMES, COHEN, YOUNGBLOOD,  
MURT AND GINGRICH, JANUARY 22, 2014

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REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JANUARY 22, 2014

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AN ACT

1 Providing for the manufacture and sale of bedding and  
2 upholstered furniture and for civil penalties; and making a  
3 related repeal.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Bedding and  
8 Upholstered Furniture Law.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Bedding." An item used by a human for sleeping or reclining  
14 which is wholly or partly stuffed or filled with a filling  
15 material.

16 "Department." The Department of Labor and Industry of the  
17 Commonwealth.

18 "Disinfect." Effectively cleaning an item to destroy or

1 prevent the growth of disease-carrying microorganisms, bacteria,  
2 bed bugs, fungi, insects, larvae, mildew and mold on the entire  
3 item using a process approved by the department.

4 "Distributor." A person who receives bedding, upholstered  
5 furniture or filling material from a commercial entity located  
6 within this Commonwealth or another state for the purpose of  
7 resale.

8 "End consumer." The person the product is intended to be  
9 used or consumed by.

10 "Floor model." New bedding or new upholstered furniture  
11 placed in a retail sales area which is only used for display  
12 purposes.

13 "Importer." A person who, for the purpose of manufacture or  
14 resale, receives bedding, upholstered furniture or filling  
15 material from a country other than the United States.

16 "Manufacturer." A person who does any of the following:

17 (1) Uses new or recycled material to make all or a  
18 portion of bedding or upholstered furniture.

19 (2) Covers or upholsters bedding or upholstered  
20 furniture.

21 (3) Uses an employee or agent to do paragraph (1) or  
22 (2).

23 "New." Material not previously used by an individual. The  
24 term includes material that has been properly recycled.

25 "Permit." An official document or certificate obtained  
26 through the department allowing an individual to engage in the  
27 practice of disinfecting or sterilizing bedding or upholstered  
28 furniture.

29 "Person." An individual, partnership, association, trust,  
30 corporation or other business entity.

1 "Recycled." The process by which post-consumer waste is  
2 passed through a series of treatments placing the waste in an  
3 original condition or rendering it in a virgin state for human  
4 use.

5 "Renovate." Restoring to a former condition or placing in a  
6 good state of repair. The term shall include rebuilding,  
7 repairing, making over, recovering or restoring used upholstered  
8 furniture or secondhand bedding.

9 "Renovator." A person who renovates.

10 "Retailer." A person that primarily sells new bedding and  
11 new upholstered furniture directly to a consumer. The term shall  
12 not include a person who sells secondhand bedding or secondhand  
13 upholstered furniture to an end consumer.

14 "Sale" or "sell." The terms include to sell, offer, expose  
15 for sale, barter, trade, give away, rent, consign, lease,  
16 possess with an intent to sell, consign, lease or rent, in a  
17 commercial manner.

18 "Secondhand." Bedding or upholstered furniture that has been  
19 previously used in a manner other than as a floor model. The  
20 term includes an item that has previously been in the possession  
21 of a consumer.

22 "Sterilize." The total eradication or destruction of the  
23 growth of disease-carrying microorganisms, bacteria, bed bugs,  
24 fungi, insects, larvae, mildew and mold in filling material made  
25 from animal and fowl origin that are used in new bedding and  
26 upholstered furniture using a process approved by the  
27 department.

28 "Upholstered furniture." An item used by a person and  
29 designed for sitting, resting or reclining which is wholly or  
30 partly stuffed or filled with a filling material.

1 "Vendor." A manufacturer, importer, distributor or  
2 wholesaler of bedding or upholstered furniture or a commercial  
3 entity that primarily sells secondhand bedding or upholstered  
4 furniture. The term does not include a retailer.

5 "Wholesaler." A person who receives bedding, upholstered  
6 furniture or filling material from a commercial entity located  
7 within this Commonwealth or another state for the purpose of  
8 resale.

9 Section 3. Compliance.

10 (a) Prohibition.--A vendor may not manufacture or sell new  
11 or secondhand bedding or upholstered furniture except if the  
12 vendor is in compliance with this act.

13 (b) Responsibility.--A vendor or other person having  
14 secondhand bedding or upholstered furniture in the vendor's or  
15 person's possession shall be responsible for compliance with  
16 this act.

17 Section 4. Bedding label.

18 (a) New bedding.--A distributor, wholesaler, importer or  
19 manufacturer of new bedding must securely attach to the new  
20 bedding a conspicuous white law label as provided in the  
21 department regulations which is visible on the outside covering  
22 of the new bedding, is at least six square inches in size and  
23 has plainly stamped or preprinted on the label, in English, all  
24 of the following:

25 (1) The registration number of the distributor,  
26 wholesaler, importer or manufacturer.

27 (2) The permit number issued to the person sterilizing  
28 material in the new bedding.

29 (3) The kind of filling material used in the new  
30 bedding.

1 (4) A statement that the filling material used in the  
2 new bedding is new.

3 (b) Secondhand bedding.--A person disinfecting, remaking,  
4 renovating or reupholstering secondhand bedding under section  
5 5(a), must securely attach to the secondhand bedding a  
6 conspicuous yellow law label as provided in the department  
7 regulations which is visible on the outside of the secondhand  
8 bedding and which has plainly stamped or preprinted on the  
9 label, in English, all of the following:

10 (1) The registration number of the retailer.

11 (2) The permit number issued to the person disinfecting  
12 the secondhand bedding or filling material.

13 (3) A statement that the secondhand bedding or filling  
14 material is secondhand.

15 Section 5. Secondhand bedding manufacture and sale.

16 (a) Disinfected bedding.--A vendor may sell secondhand  
17 bedding if the secondhand bedding has been disinfected.

18 (b) Stuffing or material.--

19 (1) Except as provided under paragraph (2), secondhand  
20 stuffing or material may not be used in making, remaking or  
21 renovating bedding sold within this Commonwealth.

22 (2) A vendor or renovator may use the original stuffing  
23 or material in making, remaking or renovation of bedding if  
24 the bedding is being renovated for and returned to the  
25 original owner.

26 Section 6. Floor model and returned bedding and upholstered  
27 furniture sale.

28 (a) Marking.--A floor model or returned bedding or  
29 upholstered furniture may be sold by a retailer to an end  
30 consumer if the retailer discloses in writing, at the time of

1 sale, that the item is a floor model or returned item.

2 (b) Responsibility.--It shall be the responsibility of the  
3 retailer to properly mark a floor model or a returned item.

4 Section 7. Upholstered furniture label.

5 (a) New upholstered furniture.--A distributor, wholesaler,  
6 importer or manufacturer of new upholstered furniture must  
7 securely attach to the new upholstered furniture a conspicuous  
8 white law label which is visible on the outside of the finished  
9 new upholstered furniture, is at least six square inches in size  
10 and has plainly stamped or preprinted on the label, in English,  
11 all of the following:

12 (1) The registration number of the distributor,  
13 wholesaler, importer or manufacturer.

14 (2) The permit number issued to the person sterilizing  
15 the material in the finished new upholstered furniture.

16 (3) The kind of filling material used in the new  
17 upholstered furniture.

18 (4) A statement that the filling material used in the  
19 new upholstered furniture is new.

20 (b) Secondhand upholstered furniture.--A vendor or renovator  
21 disinfecting, remaking, renovating or reupholstering secondhand  
22 upholstered furniture must securely attach to the item a  
23 conspicuous yellow law label as provided in the department  
24 regulations which is visible on the outside of secondhand  
25 upholstered furniture, which is at least six square inches in  
26 size and is stamped or preprinted, in English, with all of the  
27 following:

28 (1) The registration number of the retailer.

29 (2) The permit number issued to the person disinfecting  
30 the secondhand upholstered furniture.

1           (3) A statement that the secondhand upholstered  
2 furniture or filling material is secondhand.

3 Section 8. Secondhand upholstered furniture.

4       (a) Sale.--Secondhand upholstered furniture may not be  
5 offered for sale unless the secondhand upholstered furniture has  
6 been disinfected after its last use.

7       (b) Construction.--

8           (1) Except as provided under paragraph (2), a vendor or  
9 renovator may not use secondhand stuffing or material in the  
10 making, remaking, reupholstering or renovation of upholstered  
11 furniture.

12          (2) Notwithstanding paragraph (1), a vendor or renovator  
13 may do any of the following:

14           (i) Use original stuffing or material if the  
15 upholstered furniture is being renovated for and returned  
16 to the original owner.

17           (ii) Use secondhand stuffing or material if the  
18 stuffing or material has been disinfected.

19 Section 9. Registration number.

20       (a) Receipt.--A vendor shall apply for and may receive a  
21 registration number, which shall constitute the vendor's  
22 identification record, from the department. If a vendor uses  
23 multiple manufacturers, distributors, wholesalers or importers,  
24 the vendor must register each manufacturer, distributor,  
25 wholesaler and importer separately.

26       (b) Expiration.--A registration shall expire one year from  
27 the date of issuance unless previously revoked.

28       (c) Fee.--The department shall impose a fee for an initial  
29 or renewal registration by regulation.

30 Section 10. Sterilization and disinfection permit.

1 (a) Requirement.--A person desiring to either sterilize or  
2 disinfect bedding or upholstered furniture within this  
3 Commonwealth must register with and be approved by the  
4 department.

5 (b) Issuance.--After registration with and approval by the  
6 department, a numbered permit shall be issued to a person. The  
7 permit shall expire one year from the date of issuance.

8 (c) Renewal.--A permit shall be renewed annually if the  
9 permit holder submits all of the following:

10 (1) Proof of continued compliance with this act and  
11 regulations of the department.

12 (2) The appropriate fee.

13 (d) Posting.--A permit holder must keep a valid permit  
14 conspicuously posted on the premises of the permit holder's  
15 place of business in a location visible to the public.

16 (e) Records.--A permit holder must keep an accurate record  
17 of articles and material which have been sterilized or  
18 disinfected. The record must be kept for at least two years from  
19 the date of sale and shall include all of the following:

20 (1) The date of the treatment.

21 (2) The description of each item sterilized or  
22 disinfected.

23 (3) The method of sterilization or disinfection.

24 (f) Inspection.--A record under subsection (e) must be made  
25 available for an inspection at any time by a representative of  
26 the department.

27 (g) Revocation.--The department may revoke a sterilization  
28 or disinfection permit on proof of violation of this act.

29 (h) Rules and regulations.--The department shall promulgate  
30 rules and regulations concerning the application process to



1 obtain a permit to sterilize or to disinfect and the fee  
2 associated with a permit.

3 Section 11. Fees.

4 A fee set by the department under this act shall be in an  
5 amount reasonable and necessary to defray the cost of  
6 administering this act.

7 Section 12. Label offense.

8 (a) False or misleading statement.--A person may not make a  
9 false or misleading statement on a label required under this  
10 act.

11 (b) Alteration.--A person may not remove, deface or alter,  
12 or cause to be removed, defaced or altered, a label as provided  
13 in the department regulations or statement contained on the law  
14 label.

15 (c) Unauthorized use or possession.--A person may not use or  
16 possess with the intent to use a label provided for under this  
17 act unless the person holds a registration or permit issued  
18 under this act. A person may not sell, give or provide a law  
19 label as provided in the department regulations to a person who  
20 does not hold a registration or permit issued under this act.

21 Section 13. Administrative penalty.

22 (a) Imposition.--The department may impose the following  
23 administrative penalty for each violation of this act:

24 (1) an administrative penalty of not more than \$5,000  
25 for each violation of this act; or

26 (2) other corrective action which the department deems  
27 necessary to address a violation of this act.

28 (b) Separate violation.--Each article of bedding or  
29 upholstered furniture in violation of this act constitutes a  
30 separate violation.

1 (c) Administrative procedure.--This section is subject to 2  
2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of  
3 Commonwealth agencies) and 7 Subch. A (relating to judicial  
4 review of Commonwealth agency action).

5 (d) Penalty.--A penalty collected under this act or the  
6 rules and regulations established under this act shall be paid  
7 to the department.

8 Section 14. Departmental powers.

9 (a) Authorization.--The department may promulgate  
10 regulations to effectuate this act.

11 (b) Existing regulations.--Until modified or deleted by the  
12 department, 34 Pa. Code Ch. 47 Subch. A (relating to bedding and  
13 upholstery) shall be deemed regulations of the department in  
14 full force and effect.

15 (c) Inspection.--

16 (1) A place where bedding and upholstered furniture is  
17 manufactured, sold, renovated, disinfected or sterilized  
18 shall be subject to inspection by authorized representatives  
19 of the department to ascertain whether the requirements of  
20 this act and regulations of the department have been met.

21 (2) The department may, during the course of an  
22 inspection and investigation, do any of the following:

23 (i) Have an officer or employee of the department  
24 conduct a test of and take a sample of an article covered  
25 under this act and hold the article for evidence.

26 (ii) Have an article covered under this act tested  
27 by a reputable person selected by the department.

28 (d) Removal from sale.--Representatives of the department  
29 may remove from sale an article in violation of this act.

30 Articles which are removed from sale:

1           (1) must be marked as being removed from sale; and  
2           (2) may not be sold until authorized by a representative  
3 of the department.

4 Section 30. Repeals.

5 Repeals are as follows:

6           (1) The General Assembly declares that the repeals under  
7 paragraph (2) are necessary to effectuate this act.

8           (2) The following provisions are repealed:

9                 (i) The act of May 27, 1937 (P.L.926, No.249),  
10 referred to as the Bedding and Upholstery Law.

11                 (ii) Section 613-A(7) of the act of April 9, 1929  
12 (P.L.177, No.175), known as The Administrative Code of  
13 1929.

14 Section 31. Applicability.

15 This act shall not apply to any of the following:

16           (1) An auctioneer licensed to conduct an auction in this  
17 Commonwealth under the act of December 22, 1983 (P.L.327,  
18 No.85), known as the Auctioneer Licensing and Trading  
19 Assistant Registration Act.

20           (2) An owner of a storage facility who, through proper  
21 means, forecloses on a storage lot in the owner's facility  
22 and sells the lot as a whole for profit.

23           (3) A noncommercial entity who, for a predetermined and  
24 limited time, sells used upholstered furniture and secondhand  
25 bedding.

26 Section 32. Notice.

27 If new fees for bedding and upholstery are set by the  
28 department under this act, the Secretary of Labor and Industry  
29 shall transmit notice of the fees to the Legislative Reference  
30 Bureau for publication as a notice in the Pennsylvania Bulletin.

1 Section 40. Effective date.

2 This act shall take effect as follows:

3 (1) Section 30(2)(ii) shall take effect upon publication  
4 of the notice under section 32.

5 (2) The remainder of this act shall take effect in 180  
6 days.