

HOUSE RESEARCH

Bill Summary

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Overview

This bill repeals the Furniture Fire Safety Act. The entirety of the language being repealed follows below. The Furniture Fire Safety Act provided the state fire marshal with rulemaking authority to set fire safety performance standards for seating furniture. The law prohibits the sale of seating furniture that does not meet the standards, as of January 1992. This act was originally adopted in 1990.

299F.841 DEFINITIONS .

Subdivision 1. **Scope.** The terms used in sections 299F.840 to 299F.848 have the meanings given them in this section.

Subd. 2. [Renumbered subd. 8]

Subd. 3. [Renumbered subd .7]

Subd. 4. **Filling material.** "Filling material" includes cotton, wool, kapok, feathers, down, hair, liquid, or other natural or artificial material, substance, or prefabricated form, concealed or not concealed, to be used or that could be used in seating furniture.

Subd. 5. **Manufacturer.** "Manufacturer" means a person or the person's employee or agent who makes an article of seating furniture in whole or in part.

Subd. 6. **Public occupancies.** "Public occupancies" means:

- (1) jails, prisons, and penal institutions;
- (2) hospitals, mental health facilities, and similar health care facilities;

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- (3) nursing care and convalescent homes;
- (4) child day care centers;

- (5) public auditoriums and stadiums; and
- (6) public assembly areas of hotels and motels containing more than ten articles of seating furniture.

Subd. 7. **Seating furniture.** "Seating furniture" means movable or stationery furniture, manufactured on or after January 1, 1992, including children's furniture, that is made of or with loose or attached cushions or pillows or is itself stuffed or filled in whole or in part with filling material; is or can be stuffed or filled in whole or in part with any substance or material, hidden or concealed by fabric or other covering, including cushions or pillows belonging to or forming a part of the furniture; together with the structural units, the filling material, and its container and its covering that can be used as a support for the body of a human being or a person's limbs and feet when sitting or resting in an upright or reclining position.

Subd. 8. **Sell.** "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, or possess with an intent to sell or dispose of in any other commercial manner.

299F.842 EXEMPT ARTICLES OF UPHOLSTERED FURNITURE.

Articles of upholstered furniture, other than juvenile furniture and furniture used for and in facilities designed for the care or treatment of humans, that meet any of the following criteria are exempt from compliance with sections 299F.840 to 299F.848 :

- (1) cushions and pads intended solely for outdoor use;
- (2) articles that are smooth-surfaced and contain no more than one-half inch of filling material, provided that the article does not have a horizontal surface meeting a vertical surface; and
- (3) articles manufactured solely for recreational use or physical fitness purposes, such as weightlifting benches, gymnasium mats or pads, sidehorses, and similar articles.

299F.843 ENFORCEMENT .

The state fire marshal shall enforce sections 299F.840 to 299F.848 in accordance with the laws of this state.

299F.844 RULES.

The state fire marshal shall adopt rules necessary for the enforcement of sections 299F.840 to 299F.848 within six months of January 1, 1992 . The fire marshal, in adopting rules, shall consider the testing and labeling procedures and requirements set forth in Technical Bulletin 133 of the state of California, "Flammability Testing and Labeling Procedures for Use in Public Occupancies," published in April 1988 by the California Bureau of Home Furnishings and Thermal Insulation and periodically the deletions, revisions, and updates of California Technical Bulletin 133. An amendment to a rule does not apply to seating furniture manufactured before the effective date of the amendment. New seating furniture sold for use in a public occupancy that meets the test criteria under rules adopted by the fire marshal must conform to the labeling requirements specified under the adopted rules.

299F.845 SCOPE .

Sections 299F.840 to 299F.848 apply to seating furniture manufactured on or after January 1, 1992 , that is sold or intended for use in public occupancies in this state regardless of its point of origin. New

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seating furniture sold or intended for use in public occupancies after January 1, 1992, that fails to conform to the applicable flammability standard and labeling requirement provided under sections 299F.840 to 299F.848 , or rule of the state fire marshal adopted under section 299F.844 , is prohibited from being sold or used for public occupancies.

299F.846 PERFORMANCE STANDARDS; TESTING.

The applicable flammability requirements of sections 299F.840 to 299F.848 or rules adopted under section 299F.844 are to be considered as performance standards. Testing under these standards is at the discretion of the manufacturer. However, new seating furniture offered for sale in this state on or after January 1, 1992 , must meet applicable flammability requirements as set out by rule adopted under section 299F.844 .

299F.847 TEST INSPECTION, AUDIT.

The state fire marshal may inspect or audit the testing of seating furniture as may be considered necessary under rules adopted under section 299F.844 .

299F.848 CIVIL ACTION .

The state fire marshal may institute a civil action or proceeding to enjoin a person from selling seating furniture on or after January 1, 1992 , that does not meet the requirements of sections 299F.840 to 299F.847 , and that is sold or intended for use in public occupancies.