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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to articles of bedding

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 2 and 3 of section 383 of the general business
2 law, as added by chapter 309 of the laws of 1996, are amended to read as
3 follows:
4 2. "New" shall mean any material or article which has not been previ-
5 ously used for any purpose, including by-products produced in the manu-
6 facture of new fabric, and material reclaimed from new fabric[; except
7 that an article of bedding returned by the purchaser for exchange,
8 alteration, or correction, within thirty days after date of delivery
9 after original sale at retail, shall be deemed to be a new article, but
10 thirty days after date of such delivery such article shall be deemed to
11 be used];
12 3. "Used" shall mean any components, ARTICLES OR MATERIALS from
13 [previously used] bedding NOT CLASSIFIED AS NEW.
14 S 2. The general business law is amended by adding a new section 385-b
15 to read as follows:
16 S 385-B. TRANSPORT, STORAGE AND SALE OF USED BEDDING. NO USED BEDDING
17 SHALL BE TRANSPORTED, STORED OR SOLD WITH NEW BEDDING UNLESS THE USED
18 BEDDING HAS BEEN: SANITIZED USING A METHOD APPROVED BY THE DEPARTMENT OF
19 HEALTH THAT IS INTENDED TO KILL BEDBUGS, DUST MITES, OTHER INSECTS,
20 MOLDS, FUNGI, GERMS OR OTHER ORGANISMS, AND TO REMOVE SOIL, DUST MITE
21 AND INSECT FECES, ALLERGENS, AND OTHER CONTAMINANTS; OR ENCLOSED IN
22 PLASTIC, POLYETHYLENE FILM OR SIMILAR MATERIAL DESIGNED TO PREVENT THE
23 PASSAGE OF CONTAMINANTS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 3. Section 387 of the general business law, as amended by chapter
2 249 of the laws of 1999, is amended to read as follows:
3 S 387. Inspections. Every place where articles of bedding are made,
4 remade or renovated, or materials therefor are prepared or sterilized,
5 or where such articles or materials are sold, shall be subject to ANNUAL
6 inspection by the secretary of state who shall have power to inspect the
7 manufacture, sale or delivery, and sanitization of all articles or mate-
8 rials covered by this article, to open and examine the contents thereof
9 and power to seize and hold for evidence any article of bedding, in
10 whole or in part, which the secretary has reason to believe is made or
11 sold or held in possession in violation of this article. For the purpose
12 of administering and enforcing the provisions of this article the secre-
13 tary shall have and may use the powers conferred on him by the executive
14 law in addition to the powers conferred in this article.
15 S 4. This act shall take effect on the sixtieth day after it shall
16 have become a law.