

358--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. 1. NO USED
17 BEDDING SHALL BE STORED OR SOLD WITH NEW BEDDING UNLESS THE USED BEDDING
18 HAS BEEN SANITIZED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED IN REGU-
19 LATION BY THE DEPARTMENT OF STATE PURSUANT TO SECTION THREE HUNDRED
20 EIGHTY-FIVE OF THIS ARTICLE.
21 2. NO USED BEDDING SHALL BE TRANSPORTED WITH NEW BEDDING UNLESS THE
22 USED BEDDING HAS BEEN SANITIZED IN ACCORDANCE WITH THE STANDARDS ESTAB-

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

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1 LISHED IN REGULATION BY THE DEPARTMENT OF STATE PURSUANT TO SECTION
2 THREE HUNDRED EIGHTY-FIVE OF THIS ARTICLE OR ENCLOSED IN NON-PERMEABLE
3 PLASTIC, POLYETHYLENE FILM OR SIMILAR MATERIAL DESIGNED TO PREVENT THE
4 PASSAGE OF CONTAMINANTS. SHIPPING BAGS OR SIMILAR PRODUCTS SHALL NOT BE
5 USED AS THE NON-PERMEABLE COVER REQUIRED BY THIS SUBDIVISION.

6 S 3. Section 387 of the general business law, as amended by chapter
7 249 of the laws of 1999, is amended to read as follows:

8 S 387. Inspections. Every place where articles of bedding are made,
9 remade or renovated, or materials therefor are prepared or sterilized,
10 or where such articles or materials are sold, shall be subject to
11 inspection by the secretary of state who shall have power to inspect the
12 manufacture, sale or delivery, and sanitization of all articles or mate-
13 rials covered by this article, to open and examine the contents thereof
14 and power to seize and hold for evidence any article of bedding, in
15 whole or in part, which the secretary has reason to believe is made or
16 sold or held in possession in violation of this article. THE FREQUENCY
17 OF SUCH INSPECTIONS SHALL BE AT THE DISCRETION OF THE SECRETARY OF
18 STATE, PROVIDED, HOWEVER, THAT EVERY PLACE WHERE ARTICLES OF BEDDING ARE
19 MADE, REMADE OR RENOVATED, OR MATERIALS THEREFORE ARE PREPARED OR STERI-
20 LIZED, OR WHERE SUCH ARTICLES OR MATERIALS ARE SOLD, SHALL BE INSPECTED
21 AT LEAST ONCE DURING ANY CONTINUOUS THREE YEAR PERIOD IN WHICH SUCH
22 PLACE IS REGISTERED PURSUANT TO THIS ARTICLE. For the purpose of admin-
23 istering and enforcing the provisions of this article the secretary
24 shall have and may use the powers conferred on him by the executive law
25 in addition to the powers conferred in this article.

26 S 4. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law.