

S T A T E O F N E W Y O R K

7691--C

2009-2010 Regular Sessions

I N A S S E M B L Y

April 22, 2009

Introduced by M. of A. CASTRO, MILLMAN, SPANO, ESPAILLAT, FIELDS, POWELL
-- Multi-Sponsored by -- M. of A. BARRON, COOK, GOTTFRIED, MARKEY,
McKEVITT, MENG, NOLAN, REILLY, WEISENBERG -- read once and referred to
the Committee on Consumer Affairs and Protection -- recommitted to the
Committee on Consumer Affairs and Protection in accordance with Assem-
bly Rule 3, sec. 2 -- reported and referred to Codes -- committee
discharged, bill amended, ordered reprinted as amended and recommitted
to said committee -- again reported from said committee with amend-
ments, ordered reprinted as amended and recommitted to said committee
-- again reported from said committee with amendments, 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 ASSEM-
BLY, 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:

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

LBD10902-08-0

1 S 385-B. TRANSPORT, STORAGE AND SALE OF USED BEDDING. NO USED BEDDING
2 SHALL BE TRANSPORTED, STORED OR SOLD WITH NEW BEDDING UNLESS THE USED
3 BEDDING HAS BEEN: SANITIZED USING A METHOD APPROVED BY THE DEPARTMENT OF
4 HEALTH THAT IS INTENDED TO KILL BEDBUGS, DUST MITES, OTHER INSECTS,
5 MOLDS, FUNGI, GERMS OR OTHER ORGANISMS, AND TO REMOVE SOIL, DUST MITE
6 AND INSECT FECES, ALLERGENS, AND OTHER CONTAMINANTS; OR ENCLOSED IN
7 PLASTIC, POLYETHYLENE FILM OR SIMILAR MATERIAL DESIGNED TO PREVENT THE
8 PASSAGE OF CONTAMINANTS.

9 S 3. Section 387 of the general business law, as amended by chapter
10 249 of the laws of 1999, is amended to read as follows:

11 S 387. Inspections. Every place where articles of bedding are made,
12 remade or renovated, or materials therefor are prepared or sterilized,
13 or where such articles or materials are sold, shall be subject to ANNUAL
14 inspection by the secretary of state who shall have power to inspect the
15 manufacture, sale or delivery, and sanitization of all articles or mate-
16 rials covered by this article, to open and examine the contents thereof
17 and power to seize and hold for evidence any article of bedding, in
18 whole or in part, which the secretary has reason to believe is made or
19 sold or held in possession in violation of this article. For the purpose
20 of administering and enforcing the provisions of this article the secre-
21 tary shall have and may use the powers conferred on him by the executive
22 law in addition to the powers conferred in this article.

23 S 4. This act shall take effect on the sixtieth day after it shall
24 have become a law.