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

1346

2015-2016 Regular Sessions

I N S E N A T E

January 12, 2015

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:

Section 1. Subdivisions 2 and 3 of section 383 of the general business law, as added by chapter 309 of the laws of 1996, are amended to read as follows:

2. "New" shall mean any material or article which has not been previously used for any purpose, including by-products produced in the manufacture of new fabric, and material reclaimed from new fabric[; except that an article of bedding returned by the purchaser for exchange, alteration, or correction, within thirty days after date of delivery after original sale at retail, shall be deemed to be a new article, but thirty days after date of such delivery such article shall be deemed to be used];

3. "Used" shall mean any components, ARTICLES OR MATERIALS from [previously used] bedding NOT CLASSIFIED AS NEW.

S 2. The general business law is amended by adding a new section 385-b to read as follows:

S 385-B. TRANSPORT, STORAGE AND SALE OF USED BEDDING. 1. NO USED BEDDING SHALL BE STORED OR SOLD WITH NEW BEDDING UNLESS THE USED BEDDING HAS BEEN SANITIZED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED IN REGULATION BY THE DEPARTMENT OF STATE PURSUANT TO SECTION THREE HUNDRED EIGHTY-FIVE OF THIS ARTICLE.

2. NO USED BEDDING SHALL BE TRANSPORTED WITH NEW BEDDING UNLESS THE USED BEDDING HAS BEEN SANITIZED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED IN REGULATION BY THE DEPARTMENT OF STATE PURSUANT TO SECTION THREE HUNDRED EIGHTY-FIVE OF THIS ARTICLE OR ENCLOSED IN NON-PERMEABLE PLASTIC, POLYETHYLENE FILM OR SIMILAR MATERIAL DESIGNED TO PREVENT THE

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

LBD00249-01-5

PASSAGE OF CONTAMINANTS. SHIPPING BAGS OR SIMILAR PRODUCTS SHALL NOT BE USED AS THE NON-PERMEABLE COVER REQUIRED BY THIS SUBDIVISION.

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

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

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