



(D) BASSINETS, BOOSTER SEATS, CAR SEATS, CHANGING PADS, FLOOR PLAY MATS, HIGHCHAIRS, HIGHCHAIR PADS, INFANT BOUNCERS, INFANT CARRIERS, INFANT SEATS, INFANT SWINGS, INFANT WALKERS, NURSING PADS, NURSING PILLOWS, PLAYPEN SIDE PADS, PLAYARDS, PORTABLE HOOK-ON CHAIRS, AND STROLLERS; AND

(E) ANY ARTICLE MANUFACTURED IN ACCORDANCE WITH A WRITTEN PRESCRIPTION FROM ANY ONE OF THE HEALTH CARE PROFESSIONALS SET FORTH IN THIS SUBDIVISION, OR MANUFACTURED IN ACCORDANCE WITH OTHER COMPARABLE WRITTEN MEDICAL THERAPEUTIC SPECIFICATION, TO BE USED IN CONNECTION WITH THE TREATMENT OR MANAGEMENT OF A NAMED INDIVIDUAL'S PHYSICAL ILLNESS OR INJURY. ANY ONE OF THE FOLLOWING HEALTH CARE PROFESSIONALS MAY PROVIDE THE WRITTEN PRESCRIPTION REQUIRED BY THIS SUBDIVISION PROVIDED THAT THE HEALTH CARE PROFESSIONAL HAS A CURRENT AND VALID LICENSE TO PRACTICE IN NEW YORK OR ANY OTHER STATE OF THE UNITED STATES IN WHICH THE PRESCRIPTION WAS WRITTEN: PHYSICIANS, CHIROPRACTORS OR OSTEOPATHS.

2. "RETAILER" MEANS A PERSON WHO SELLS ANY ARTICLE OF UPHOLSTERED FURNITURE TO A CONSUMER OR USER OF THE ARTICLE AS PURCHASED. S 37-0903. SMOLDER RESISTANCE STANDARDS.

1. BEGINNING JANUARY FIRST, TWO THOUSAND SIXTEEN, ANY UPHOLSTERED FURNITURE MANUFACTURED FOR SALE IN THE STATE AND SOLD OR OFFERED FOR SALE TO THE GENERAL PUBLIC AT RETAIL OUTLETS IN THE STATE SHALL MEET THE MOST RECENTLY ADOPTED STANDARDS FOR THE SMOLDER RESISTANCE OF MATERIALS USED IN UPHOLSTERED FURNITURE ESTABLISHED BY THE CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS, BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION, AND SHALL INCLUDE AN AFFIXED LABEL DEMONSTRATING COMPLIANCE WITH SUCH STANDARD.

2. THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY TO:

(A) ANY UPHOLSTERED FURNITURE IN A RETAILER'S INVENTORY PRIOR TO JANUARY FIRST, TWO THOUSAND SIXTEEN AND SOLD OR OFFERED FOR SALE AFTER SUCH DATE; OR (B) ANY UPHOLSTERED FURNITURE THAT IS REPAIRED, REUPHOLSTERED, RE-COVERED, RESTORED, RENEWED OR MADE TO ORDER AND SPECIFICATION OF THE USER USING EITHER NEW MATERIALS OR THE OWNER'S MATERIALS.

S 2. The commissioner of the New York state division of homeland security and emergency services, in consultation with the New York state office of fire prevention and control, shall on or before February 1, 2017, prepare a report to be delivered to the governor and legislature assessing emerging fire barrier materials and other relevant technologies to examine their open flame resistant properties, evaluate their cost effectiveness and determine their applicability in open flame testing of upholstered furniture as defined in section 37-0901 of the environmental conservation law, as added by section one of this act. The commissioner may consult with interested stakeholders.

S 3. This act shall take effect immediately.