

STATE OF NEW YORK

5227--A

Cal. No. 343

2017-2018 Regular Sessions

IN ASSEMBLY

February 7, 2017

Introduced by M. of A. DINOWITZ, GOTTFRIED, JAFFEE, HIKIND, MOSLEY, OTIS, WEPRIN -- Multi-Sponsored by -- M. of A. ARROYO, COOK, PERRY, RIVERA -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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

16 § 385-b. Transport, storage and sale of used bedding. 1. No used
17 bedding shall be in direct contact with new bedding in a storage ware-
18 house, or stored or sold with new bedding unless the used bedding has
19 been sanitized in accordance with the standards established in regu-

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

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1 lation by the department of state pursuant to section three hundred
2 eighty-five of this article.

3 2. No used bedding shall be transported with new bedding unless the
4 used bedding has been sanitized in accordance with the standards estab-
5 lished in regulation by the department of state pursuant to section
6 three hundred eighty-five of this article or enclosed in non-permeable
7 plastic, polyethylene film or similar material designed to prevent the
8 passage of contaminants.

9 § 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 § 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
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. The frequency
20 of such inspections shall be at the discretion of the secretary of
21 state, provided, however, that every place where articles of bedding are
22 made, remade or renovated, or materials therefor are prepared or steri-
23 lized, or where such articles or materials are sold, shall be inspected
24 at least once during any continuous three year period in which such
25 place is registered pursuant to this article. For the purpose of admin-
26 istering and enforcing the provisions of this article the secretary
27 shall have and may use the powers conferred on him by the executive law
28 in addition to the powers conferred in this article.

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