

BILL ANALYSIS

H.B. 2682
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to the United States Consumer Product Safety Commission, more than 600 deaths a year have resulted from upholstered furniture, such as couches, chairs, and beds, catching fire. The National Institute of Standards and Technology estimates that approximately 30 percent of fire-related deaths in the country involved the polyurethane foam used as stuffing in some upholstered furniture, which is highly flammable and emits toxic gas when burned.

Texas does not have adequate standards governing the materials used when manufacturing upholstered furniture. H.B. 2682 seeks to safeguard Texans by requiring upholstered furniture sold in Texas to be manufactured with burn resistant materials and creating an offense for a person who sells upholstered furniture that does not meet the applicable requirements.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTIONS 1 and 2 of this bill.

ANALYSIS

H.B. 2682 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules requiring all filling materials used in upholstered furniture sold in Texas to be burn resistant when exposed to an open flame. The bill requires upholstered furniture sold in Texas to contain a label that is securely attached to the furniture at the location and by a method approved by the Department of State Health Services (DSHS); is clearly visible; and states that the furniture contains filling materials that meet burn resistance standards adopted under the bill's provisions. The bill requires the information on a required label to be in English. The bill authorizes DSHS to authorize or require the use of a language in addition to English on the label or on an additional separate label. The bill requires an item that is upholstered furniture and also is bedding for purposes of statutory provisions relating to sanitation and bedding to meet the strictest applicable standard for burn resistance. The bill requires DSHS to enforce the provisions of the bill.

H.B. 2682 creates a Class A misdemeanor offense, effective September 1, 2012, for a person who sells upholstered furniture that does not conform to the requirements of the bill's provisions; introduces or delivers for introduction into commerce upholstered furniture that does not conform to the requirements of the bill's provisions; or receives in commerce upholstered furniture that does not conform to the requirements of the bill's provisions. The bill requires the executive commissioner to adopt rules required by the bill's provisions not later than December 31, 2011 and, in adopting those rules, to review and consider adopting the requirements and test protocol adopted by the California Bureau of Home Furnishings and Thermal Insulation in California Technical Bulletin 117. The bill establishes that a person selling upholstered furniture in Texas is not required to comply with the bill's requirements or the rules adopted under the bill's provisions before September 1, 2012. The bill defines "department" and "executive commissioner."

EFFECTIVE DATE

Except as otherwise provided, September 1, 2011.