

By: Lucio III

H.B. No. 2682

A BILL TO BE ENTITLED

AN ACT

relating to requiring upholstered furniture sold in this state to be made with filling that is burn resistant to an open flame; imposing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 9, Health and Safety Code, is amended by adding Chapter 797 to read as follows:

CHAPTER 797. UPHOLSTERED FURNITURE

Sec. 797.001. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services.

(2) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Sec. 797.002. DUTY OF DEPARTMENT. The department shall enforce this chapter.

Sec. 797.003. OPEN FLAME BURN RESISTANCE STANDARD. The executive commissioner shall adopt rules requiring all filling materials used in upholstered furniture sold in this state to be burn resistant when exposed to an open flame.

Sec. 797.004. LABEL REQUIRED. (a) Upholstered furniture sold in this state must contain a label that:

(1) is securely attached to the furniture at the location and by a method approved by the department;

(2) is clearly visible; and

1 (3) states that the furniture contains filling
2 materials that meet burn resistance standards adopted under this
3 section.

4 (b) The information on a label required by this section must
5 be in English. The department may authorize or require the use of a
6 language in addition to English on the label or on an additional
7 separate label.

8 Sec. 797.005. APPLICATION OF OTHER LAW. An item that is
9 upholstered furniture and also is bedding for purposes of Chapter
10 345 must meet the strictest applicable standard for burn
11 resistance.

12 Sec. 797.006. OFFENSE. (a) A person commits an offense if
13 the person:

14 (1) sells upholstered furniture that does not conform
15 to the requirements of this chapter;

16 (2) introduces or delivers for introduction into
17 commerce upholstered furniture that does not conform to the
18 requirements of this chapter; or

19 (3) receives in commerce upholstered furniture that
20 does not conform to the requirements of this chapter.

21 (b) An offense under Subsection (a) is a Class A
22 misdemeanor.

23 SECTION 2. (a) The executive commissioner of the Health and
24 Human Services Commission shall adopt rules required by Chapter
25 797, Health and Safety Code, as added by this Act, not later than
26 December 31, 2011.

27 (b) In adopting the rules required by Chapter 797, Health

1 and Safety Code, as added by this Act, the executive commissioner of
2 the Health and Human Services Commission shall review and consider
3 adopting the requirements and test protocol adopted by the
4 California Bureau of Home Furnishings and Thermal Insulation in
5 California Technical Bulletin 117.

6 (c) A person selling upholstered furniture in this state is
7 not required to comply with the requirements of Chapter 797, Health
8 and Safety Code, as added by this Act, or the rules adopted under
9 that chapter, before September 1, 2012.

10 SECTION 3. (a) Except as provided by this section, this Act
11 takes effect September 1, 2011.

12 (b) Section 797.006, Health and Safety Code, as added by
13 this Act, takes effect September 1, 2012.