

[First Reprint]
ASSEMBLY, No. 417

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen KELLY and ROBERTS

1 AN ACT providing for the flammability testing and labeling of seating
2 furniture in certain buildings and supplementing Title 52 of the
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. This act shall be known and may be cited as the "Furniture Fire
9 Safety Act."

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11 2. As used in this act:

12 "Division" means the division of fire safety in the Department of
13 Community Affairs.

14 "Filling material" means cotton, wool, kapok, feathers, down, hair,
15 liquid, or any other material or substance, natural or man-made, or any
16 other prefabricated form, concealed or not concealed, used or intended
17 to be used in articles of seating furniture.

18 "Manufacturer" means a person who makes or causes to be made
19 any article of seating furniture in whole or in part.

20 "Public occupancy" means State, county and municipal correctional
21 institutions, health care facilities, nursing care and convalescent
22 homes, child day care centers, public auditoriums and stadiums, and
23 public assembly areas of hotels and motels containing more than 10
24 articles of seating furniture.

25 "Seating furniture" means any furniture, including children's
26 furniture, movable or stationary, which can be used as a support for
27 the body of a human being, or the limbs and feet when sitting or
28 resting in an upright or reclining position and which

29 a. Is made of or with cushions or pillows, loose or attached, or

30 b. Is itself stuffed or filled in whole or in part with any filling
31 material.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted February 5, 1996.

1 "Sell" means to sell, give, transfer, or otherwise assign, furnish or
2 make available in the State of New Jersey.

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4 3. The sale for use in a public occupancy of any seating furniture
5 which fails to conform to the applicable flammability standard
6 promulgated pursuant to section 8 of this act or labeling requirement
7 set forth in section 5 of this act is prohibited. This act shall apply to
8 all seating furniture manufactured on or after the effective date of this
9 act which is sold or intended for use in public occupancies in this
10 State, regardless of its point of origin ¹, except that this act shall not
11 apply to furniture sold or intended for use in rooms and spaces in
12 public occupancies protected by an approved automatic sprinkler
13 system. This act shall also not preclude a resident or patient of a long
14 term health care facility from utilizing personal seating furniture that
15 the patient or resident has brought into the facility¹.

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17 4. All applicable flammability requirements promulgated pursuant
18 to section 8 of this act shall be considered performance standards.
19 Testing under these standards shall be at the discretion of the
20 manufacturer; however, products and materials offered for sale in this
21 State shall meet applicable flammability requirements established
22 pursuant to this act. The division may inspect or audit the testing of
23 seating furniture as it deems necessary under this act.

24
25 5. Articles of furniture conforming to the requirements of this act
26 shall have a label permanently attached to the article, in plain view,
27 stating the following:

28
29 "NOTICE

30 THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC
31 OCCUPANCIES AND MEETS THE FLAMMABILITY
32 REQUIREMENTS FOR SALE IN THIS STATE. HOWEVER,
33 CARE SHOULD BE EXERCISED NEAR OPEN FLAME AND
34 WITH BURNING CIGARETTES."

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36 The minimum size of the label shall be 2 by 3 inches and the
37 minimum size of the type shall be 1/8 inch in height. All type shall be
38 in capital letters.

39
40 6. Articles of seating furniture, other than juvenile furniture and
41 furniture used for and in facilities designed for the care and treatment
42 of humans, which meet any of the following criteria are exempt from
43 compliance with the provisions of this act:

44 a. Cushions and pads intended solely for outdoor use.

45 b. Any article which is smooth surfaced and contains no more than
46 one-half inch of filling material, if the article does not have a

1 horizontal surface meeting a vertical surface.

2 c. Articles manufactured solely for recreational use or physical
3 fitness purposes, such as weightlifting benches, gymnasium mats or
4 pads, side horses, and similar articles.

5

6 7. a. The division shall have the authority to institute a civil action
7 or proceeding to enjoin the sale or use of any seating furniture
8 purchased or procured after the effective date of this act in the State
9 which has not met the standards promulgated under this act. ¹It shall
10 be presumed that seating furniture in a public occupancy which does
11 not satisfy the labeling requirement in section 5 of this act was
12 purchased before the effective date of this act.¹

13 b. A person who fails to comply with the provisions of this act shall
14 pay a civil penalty of up to \$1,000. The penalty shall be sued for and
15 recovered by and in the name of the Attorney General and shall be
16 collected and enforced by summary proceedings pursuant to "the
17 penalty enforcement law," N.J.S.2A:58-1 et seq.

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19 8. The division shall adopt rules and regulations necessary for
20 implementation of this act pursuant to the "Administrative Procedure
21 Act," P.L.1968, c.410 (C.52:14B-1). The rules and regulations shall
22 be consistent with a national standard for furniture flammability testing
23 when such a standard is adopted. Until a national standard is adopted,
24 the rules and regulations for flammability testing shall be consistent
25 with the ¹[latest] January 1991¹ version of Technical Bulletin 133 of
26 the State of California Bureau of Home Furnishings and Thermal
27 Insulation entitled "Flammability Test Procedure For Use in Public
28 Occupancies."

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30 9. This act shall take effect on the first day of the eighteenth month
31 after enactment, except that section 8 shall take effect immediately.

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"Furniture Fire Safety Act."