

ASSEMBLY CONSUMER AFFAIRS AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 417

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 5, 1996

The Consumer Affairs and Regulated Professions Committee reports favorably Assembly Bill No. 417 with committee amendments.

As amended, this bill prohibits the sale for use in public occupancy areas and facilities of seating furniture that does not meet certain flammability standards.

Under the provisions of the bill, the Division of Fire Safety in the Department of Community Affairs is to promulgate rules and regulations establishing the flammability standards and testing procedures that all seating furniture for public occupancy areas and facilities must meet in order to be sold in New Jersey. As amended, the rules and regulations promulgated by the division, in accordance with the provisions of section 8 of the bill, are to be "consistent with the January 1991 version of Technical Bulletin 133 of the State of California Bureau of Home Furnishings and Thermal Insulation entitled 'Flammability Test Procedure For Use in Public Occupancies'" until such time as a national standard for furniture flammability is adopted.

The bill also requires that seating furniture which conforms to the flammability standards set forth in the rules and regulations exhibit a permanently attached label, indicating that the article meets those standards.

The provisions of the bill apply to public occupancies which are defined in the bill as State, county and municipal correctional institutions, health care facilities, nursing care and convalescent homes, child day care centers, public auditoriums and stadiums, and public assembly areas of hotels and motels containing more than 10 articles of seating furniture.

The seating furniture subject to the bill's provisions includes furniture, including children's furniture, whether movable or stationary, that can be used as a support for a person's body, or limbs and feet, when sitting or resting in an upright or reclining position and which (1) is made of or with cushions or pillows and (2) is stuffed or filled

with any filling material. Specifically excluded are cushions and pads made for outdoor use; smooth surfaced articles that contain no more than one-half inch of filling material (provided the article does not have a horizontal surface meeting a vertical surface); and articles manufactured solely for recreational use or physical fitness purposes, such as weightlifting benches and gym equipment, pads and mats.

The bill's provisions apply only to seating furniture manufactured on or after the effective date, which is fixed at the first day of the eighteenth month following enactment. After that date, sale or use of non-compliant seating furniture could be enjoined, and violators could be fined up to \$1,000.

The committee amended the bill to provide that the bill's provisions shall not apply to furniture used or intended for use in public occupancies protected by an approved sprinkler system. The committee also amended the bill to provide that the bill shall not preclude a resident or patient of a long term care facility from utilizing personal seating furniture that the patient or resident has brought into the facility. The committee amendments also provide a presumption that seating furniture in a public occupancy which does not satisfy the labeling requirement of section 5 of the bill was purchased before the effective date of the bill.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.