

## CHAPTER 465—H.F.No. 1730

*An act relating to commerce; requiring seating furniture in public occupancies to meet flammability and labeling standards; proposing coding for new law in Minnesota Statutes, chapter 299F.*

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

FLAMMABILITY STANDARDS FOR SEATING FURNITURE

Section 1. [299F.840] CITATION.

Sections 1 to 9 may be cited as the "furniture fire safety act."

Sec. 2. [299F.841] DEFINITIONS.

Subdivision 1. SCOPE. The terms used in sections 1 to 9, have the meanings given them in this section.

Subd. 2. SELL. "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, or possess with an intent to sell or dispose of in any other commercial manner.

Subd. 3. SEATING FURNITURE. "Seating furniture" means movable or stationery furniture, manufactured on or after January 1, 1992, including children's furniture, that is made of or with loose or attached cushions or pillows or is itself stuffed or filled in whole or in part with filling material; is or can be stuffed or filled in whole or in part with any substance or material, hidden or concealed by fabric or other covering, including cushions or pillows belonging to or forming a part of the furniture; together with the structural units, the filling material, and its container and its covering that can be used as a support for the body of a human being or a person's limbs and feet when sitting or resting in an upright or reclining position.

Subd. 4. FILLING MATERIAL. "Filling material" includes cotton, wool, kapok, feathers, down, hair, liquid, or other natural or man-made material, substance, or prefabricated form, concealed or not concealed, to be used or that could be used in seating furniture.

Subd. 5. MANUFACTURER. "Manufacturer" means a person or the person's employee or agent who makes an article of seating furniture in whole or in part.

Subd. 6. PUBLIC OCCUPANCIES. "Public occupancies" means:

(1) jails, prisons, and penal institutions;

(2) hospitals, mental health facilities, and similar health care facilities;

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- (3) nursing care and convalescent homes;
- (4) child day-care centers;
- (5) public auditoriums and stadiums; and
- (6) public assembly areas of hotels and motels containing more than ten articles of seating furniture.

Sec. 3. [299F.842] EXEMPT ARTICLES.

Articles of upholstered furniture, other than juvenile furniture and furniture used for and in facilities designed for the care or treatment of humans, that meet any of the following criteria are exempt from compliance with sections 1 to 9:

- (1) cushions and pads intended solely for outdoor use;
- (2) articles that are smooth-surfaced and contain no more than one-half inch of filling material, provided that the article does not have a horizontal surface meeting a vertical surface; and
- (3) articles manufactured solely for recreational use or physical fitness purposes, such as weightlifting benches, gymnasium mats or pads, sidehorses, and similar articles.

Sec. 4. [299F.843] ENFORCEMENT.

The state fire marshal shall enforce sections 1 to 9 in accordance with the laws of this state.

Sec. 5. [299F.844] RULES.

The state fire marshal shall adopt rules necessary for the enforcement of sections 1 to 9 within six months of the effective date of sections 1 to 9. The fire marshal, in adopting rules, shall consider the testing and labeling procedures and requirements set forth in Technical Bulletin 133 of the state of California, "Flammability Testing and Labeling Procedures for Use in Public Occupancies," published in April 1988 by the California Bureau of Home Furnishings and Thermal Insulation and periodically the deletions, revisions, and updates of California Technical Bulletin 133. An amendment to a rule does not apply to seating furniture manufactured before the effective date of the amendment. New seating furniture sold for use in a public occupancy that meets the test criteria under rules adopted by the fire marshal must conform to the labeling requirements specified under the adopted rules.

Sec. 6. [299F.845] SCOPE.

Sections 1 to 9 apply to seating furniture manufactured on or after the effective date of sections 1 to 9 that is sold or intended for use in public occupancies in this state regardless of its point of origin. New seating furniture

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sold or intended for use in public occupancies after the effective date of sections 1 to 9 that fails to conform to the applicable flammability standard and labeling requirement provided under sections 1 to 9, or rule of the state fire marshal adopted under section 5, is prohibited from being sold or used for public occupancies.

Sec. 7. [299F.846] PERFORMANCE STANDARDS; TESTING.

The applicable flammability requirements of sections 1 to 9 or rules adopted under section 5 are to be considered as performance standards. Testing under these standards is at the discretion of the manufacturer. However, new seating furniture offered for sale in this state on or after the effective date of sections 1 to 9 must meet applicable flammability requirements as set out by rule adopted under section 5.

Sec. 8. [299F.847] TEST INSPECTIONS, AUDITS.

The state fire marshal may inspect or audit the testing of seating furniture as may be considered necessary under rules adopted under section 5.

Sec. 9. [299F.848] CIVIL ACTION.

The state fire marshal may institute a civil action or proceeding to enjoin a person from selling seating furniture on or after the effective date of sections 1 to 9, that does not meet the requirements of sections 1 to 8, and that is sold or intended for use in public occupancies.

Sec. 10. EFFECTIVE DATE.

This act is effective January 1, 1992.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:12 a.m.

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CHAPTER 466—H.F.No. 2458

*An act relating to hazardous materials; directing the commissioner of public safety to plan a system for a regional hazardous materials incident response program; establishing an advisory task force.*

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

Section 1. HAZARDOUS MATERIALS INCIDENT RESPONSE.

The commissioner of public safety shall plan a statewide system of response to spills, emissions, or exposure of hazardous materials by regional teams estab-

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