

52:27D-198.15

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 141

NJSA: 52:27D-198.15 (Matthew Albrecht Act; requires mattresses and box springs for sale in State to meet federal cigarette-ignition and open-flame standards)

BILL NO: S134 (Substituted for A1246)

SPONSOR(S) Bucco and Others

DATE INTRODUCED: January 10, 2007

COMMITTEE: **ASSEMBLY:** --

SENATE: Law and Public Safety and Veteran's Affairs;
 Budget

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** March 15, 2007

SENATE: June 18, 2007

DATE OF APPROVAL: August 21, 2007

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

S134	SPONSOR'S STATEMENT: (Begins on page 3 of original bill)	Yes
	COMMITTEE STATEMENT:	
	ASSEMBLY:	No
	SENATE:	Yes
	FLOOR AMENDMENT STATEMENT:	Yes
	LEGISLATIVE FISCAL NOTE:	No
A1246	SPONSOR'S STATEMENT: (Begins on page 3 of original bill)	Yes
	COMMITTEE STATEMENT:	
	ASSEMBLY:	Yes
	SENATE:	No
	FLOOR AMENDMENT STATEMENT:	Yes
	LEGISLATIVE FISCAL ESTIMATE:	No

(continued)

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VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Corzine signs law to improve mattress safety," The Star-Ledger, 8-22-07, p. 23.

"Corzine signs law for safer mattresses," Home News Tribune, 8-22-07.

"New law targets mattress fires," Courier News, 8-22-07.

LAW

1 AN ACT concerning flammability standards for certain home
 2 furnishings², designating the act as "Matthew Albrecht Act,"²
 3 and supplementing chapter 27D of Title 52 of the Revised
 4 Statutes.

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

8
 9 ²[1. This act shall be known and may be cited as the "Matthew
 10 Albrecht Act."]²

11
 12 ²[2.] 1.² The Legislature finds and declares:

13 a. On February 25, 2000, a residential fire in Roxbury, New
 14 Jersey, led to the death of 14-month-old toddler Matthew Albrecht.
 15 The fire started when a spark from an electrical outlet caused a
 16 mattress to ignite. Four days later, Matthew succumbed to the
 17 irreversible damage caused by smoke inhalation. This unfortunate
 18 tragedy, and many others, could have been prevented by adopting
 19 stricter flammability standards for mattresses and box springs for
 20 sale in this State.

21 b. Mattresses and bedding are implicated in thousands of fires
 22 each year, causing thousands of injuries, hundreds of fatalities, and
 23 millions of dollars in property damage. Residential fires involving
 24 mattresses and other bedding are in fact more aggressive and deadly
 25 than other types of residential fires. The United States Fire
 26 Administration estimates that mattress and bedding fires cause more
 27 than twice the number of injuries and deaths than other types of
 28 residential fires.

29 c. Federal law currently requires that mattresses sold in the
 30 United States meet the "Standards for the Flammability of
 31 Mattresses and Mattress Pads," 16 CFR ²Part² 1632. ²[Although
 32 the federal standards require that the mattress resists ignition from a
 33 smoldering type of fire caused by a cigarette, the standards do not
 34 require that the mattress resist ignition from an open flame.
 35 However, open-flame sources, such as lighters, matches, and
 36 candles, cause the largest number of mattress and bedding fires.]
 37 The United States Consumer Product Safety Commission recently
 38 approved a new federal standard that also will require mattresses to
 39 resist open-flame ignitions from lighters, matches, and candles.
 40 This new federal standard will be known as the "Standard for the
 41 Flammability (Open Flame) of Mattress Sets," (16 CFR Part 1633).
 42 The new federal standard is patterned on a standard set by the State
 43 of California, codified in California Technical Bulletin 603,

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted March 2, 2006.

²Assembly floor amendments adopted January 29, 2007.

1 “Requirements and Test Procedure for Resistance of a Mattress/Box
2 Spring Set to a Large Open-Flame.”²

3 d. ²[The ease with which mattresses have been found to ignite,
4 their implication in quickly magnifying and spreading residential
5 fires, and the high number of fatalities caused by mattress and
6 bedding fires, point to the need for stricter flammability standards.
7 The United States Consumer Product Safety Commission, which
8 originally developed the federal standard, is now developing
9 another standard that will require mattresses to resist not only
10 smoldering-type ignition from cigarettes, but also ignition from
11 open-flame sources. The State of California has already adopted
12 legislation requiring that mattresses sold in that state meet the open-
13 flame flammability standard stipulated in California Technical
14 Bulletin 603, "Requirements and Test Procedure for Resistance of a
15 Mattress/Box Spring Set to a Large Open-Flame."] The United
16 States Consumer Product Safety Commission estimates that 16 CFR
17 Part 1633 will prevent up to 78 percent of current addressable
18 mattress fire-related deaths and up to 84 percent of current
19 addressable related injuries. In its exhaustive cost-benefit analysis
20 of this standard, the United States Consumer Product Safety
21 Commission concluded that the societal benefits from this standard
22 substantially outweigh its costs.

23 e. 16 CFR Part 1633 requires that a mattress be subjected to a
24 specified 30-minute flammability test. During that test:

25 (1) the total heat release during the first 10 minutes of the test
26 may not exceed 15 megajoules; and

27 (2) the peak heat release for the full 30-minute test may not
28 exceed 200 kW.

29 Part 1633 also requires that a mattress undergo certain prototype
30 testing and that the mattress producer maintain certain testing,
31 quality assurance and manufacturing records. Part 1633 allows
32 consumers to order non-fire-retardant mattresses if pursuant to a
33 doctor's order such a mattress is needed to treat or manage a
34 person's physical illness or injury.

35 f. Given the national scope of the mattress manufacturing and
36 retailing industries, it is necessary that uniform national
37 requirements for the fire performance of mattresses be set. For this
38 reason, New Jersey intends for the requirements in this State for the
39 fire performance of mattresses be identical to those required in 16
40 CFR Part 1633.²

41
42 ²[3.] ² a. ²[Except as provided in subsections b. ¹[and] ,¹ c.
43 ¹, and d.¹ of this section, within 12 months of the effective date of
44 this act, all mattresses and box springs offered for sale within the
45 State shall meet a ¹[60-minute] ¹30-minute¹ resistance to open
46 flame flammability test that uses a pass or fail performance criteria
47 and a standard testing method, as established by the State of

1 California in Technical Bulletin 603, "Requirements and Test
2 Procedure for Resistance of a Residential Mattress/Box Spring Set
3 to a Large Open-Flame," dated February 2003] The State of New
4 Jersey shall adopt and enforce as a State safety requirement the
5 federal mattress flammability standard codified at Title 16 of the
6 Code of Federal Regulations Part 1633, as amended and
7 supplemented².

8 b. ²[Within 24 months of the effective date of this act, all
9 mattresses and box springs situated in a hotel, as defined in section
10 3 of P.L.1967, c.76 (C.55:13A-3), which has installed a sprinkler
11 system shall meet the standards required in subsection a. of this
12 section.

13 c. Any inventory of mattresses and box springs which on the
14 effective date of this act is owned by or in the possession of a retail
15 establishment located in the State of New Jersey may be sold by
16 that retail establishment; provided however, such mattresses and
17 box springs shall not be advertised as meeting the standards
18 required under subsection a. of this section and shall meet all
19 applicable flammability standards which were in effect at the time
20 of manufacture.

21 d. ¹It shall be permissible to sell a hypoallergenic mattress
22 which does not meet the standards required pursuant subsection a.
23 of this section, provided the purchaser presents to the seller a note,
24 certified by a physician with a plenary license to practice medicine
25 and surgery; a podiatrist licensed to practice in this State or a
26 bordering state; a physician stationed at a military or naval
27 installation located in this State who is licensed to practice in any
28 state; or, a chiropractic physician licensed to practice in this State or
29 a bordering state, which indicates that the purchaser is allergic to
30 the materials used to meet the 30-minute resistance to open flame
31 otherwise required pursuant to subsection a. of this section.

32 e. ¹² The Commissioner of ²[the Department of]² Community
33 Affairs ¹[, in consultation with the fire safety commission and the
34 Director of the Division of Consumer Affairs in the Department of
35 Law and Public Safety,]¹ shall promulgate, not later than the first
36 day of the sixth month next following the effective date of ¹[P.L. ,
37 c. (pending before the Legislature as this bill)] this act¹, the rules
38 and regulations necessary to effectuate the provisions of ¹[P.L. ,
39 c. (pending before the Legislature as this bill)] this act¹, in
40 accordance with the provisions of the "Administrative Procedure
41 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
42

43 ²[4.] ³² This act shall take effect ²[immediately] on July 1,
44 2007, but the Commissioner of Community Affairs may take such
45 anticipatory acts in advance of that date as may be necessary for the
46 timely implementation of this act².

1 3. a. Except as provided in subsections b. and c. of this section,
2 within 12 months of the effective date of this act, all mattresses and
3 box springs offered for sale within the State shall meet a 60-minute
4 resistance to open flame flammability test that uses a pass or fail
5 performance criteria and a standard testing method, as established
6 by the State of California in Technical Bulletin 603, "Requirements
7 and Test Procedure for Resistance of a Residential Mattress/Box
8 Spring Set to a Large Open-Flame," dated February 2003.

9 b. Within 24 months of the effective date of this act, all
10 mattresses and box springs situated in a hotel, as defined in section
11 3 of P.L.1967, c.76 (C.55:13A-3), which has installed a sprinkler
12 system shall meet the standards required in subsection a. of this
13 section.

14 c. Any inventory of mattresses and box springs which on the
15 effective date of this act is owned by or in the possession of a retail
16 establishment located in the State of New Jersey may be sold by
17 that retail establishment; provided however, such mattresses and
18 box springs shall not be advertised as meeting the standards
19 required under subsection a. of this section and shall meet all
20 applicable flammability standards which were in effect at the time
21 of manufacture.

22 d. The Commissioner of the Department of Community Affairs,
23 in consultation with the fire safety commission and the Director of
24 the Division of Consumer Affairs in the Department of Law and
25 Public Safety, shall promulgate, not later than the first day of the
26 sixth month next following the effective date of P.L. , c. (pending
27 before the Legislature as this bill), the rules and regulations
28 necessary to effectuate the provisions of P.L. , c. (pending before
29 the Legislature as this bill), in accordance with the provisions of the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.).

32

33 4. This act shall take effect immediately.

34

35

36

SPONSOR'S STATEMENT

37

38 This bill requires that, within 12 months of its effective date, all
39 mattresses and box springs for sale in the State meet a 60-minute
40 resistance to open flame flammability standard as set forth in
41 California Technical Bulletin 603, "Requirements and Test
42 Procedure for Resistance of a Residential Mattress/Box Spring Set
43 to a Large Open Flame," dated February 2003. This bill also
44 requires the Commissioner of Community Affairs to promulgate the
45 rules and regulations necessary to implement the provisions of the
46 bill not later than the first day of the sixth month next following the
47 bill's enactment. This bill further requires that the commissioner
48 and the Director of the Division of Consumer Affairs in the

1 Department of Law and Public Safety jointly develop the rules and
2 regulations concerning the enforcement of the bill's provisions.

3 Federal law currently requires that mattresses sold in the United
4 States meet the "Standards for the Flammability of Mattresses and
5 Mattress Pads," 16 CFR 1632, which requires that mattresses and
6 mattress pads resist ignition from a smoldering type of fire caused
7 by a cigarette. However, this standard does not require that
8 mattresses resist ignition from an open-flame source.

9 Evidence of the high flammability of mattresses when exposed to
10 open-flame sources such as lighters, matches, and candles points to
11 the need for stricter flammability standards. According to the
12 United States Fire Administration, although cigarettes account for
13 approximately 25% of ignition in mattress and bedding fires, open
14 flame sources combined account for more than 35% of these fires.
15 Mattress and bedding fires cause approximately 20,800 fires, 2,200
16 injuries, 380 fatalities, and \$104 million in property damage each
17 year. When compared to other types of residential fires, mattress
18 and bedding fires cause more than twice the number of injuries and
19 deaths.

20 The United States Consumer Product Safety Commission, which
21 originally developed the federal mattress flammability standard, is
22 currently developing another standard that will require mattresses to
23 resist ignition from open flame sources. The State of California has
24 already developed a resistance to open flame standard for
25 mattresses, and has adopted legislation, rules, and regulations
26 requiring that mattresses and box springs sold in that State meet a
27 30 minute resistance standard by January 1, 2005.

28 This bill includes a short title provision in remembrance of
29 Matthew Albrecht, a 14-month-old victim of a residential fire
30 caused by an ignited mattress. His tragic death, and that of
31 thousands of others, could have been prevented by the adoption of
32 the standards proposed in this legislation.

33 The bill provides that within 24 months of the bill's effective
34 date, all mattresses and box springs situated in a hotel which has
35 installed a sprinkler system would be required to meet the standards
36 set forth in the bill.

37 The bill also provides that any inventory of mattresses and box
38 springs which on the bill's effective date is owned by or in the
39 possession of a retail establishment located in the State of New
40 Jersey may be sold by that retail establishment. Those mattresses
41 and box springs (1) could not be advertised as meeting the standards
42 required under the bill's provisions, and (2) would be required to
43 meet all applicable flammability standards which were in effect at
44 the time of manufacture.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 134

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 2, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 134.

As amended and reported by the committee, this bill requires that, within 12 months of its effective date, all mattresses and box springs for sale in the State meet a 30-minute resistance to open flame flammability standard as set forth in California Technical Bulletin 603, "Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open Flame," dated February 2003. This bill also requires the Commissioner of Community Affairs to promulgate the rules and regulations necessary to implement the provisions of the bill not later than the first day of the sixth month next following the bill's enactment. This bill further requires that the commissioner and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety jointly develop the rules and regulations concerning the enforcement of the bill's provisions.

Federal law currently requires that mattresses sold in the United States meet the "Standards for the Flammability of Mattresses and Mattress Pads," 16 CFR 1632, which requires that mattresses and mattress pads resist ignition from a smoldering type of fire caused by a cigarette. However, this standard does not require that mattresses resist ignition from an open-flame source.

Evidence of the high flammability of mattresses when exposed to open-flame sources such as lighters, matches, and candles points to the need for stricter flammability standards. According to the United States Fire Administration, although cigarettes account for approximately 25% of ignition in mattress and bedding fires, open flame sources combined account for more than 35% of these fires. Mattress and bedding fires cause approximately 20,800 fires, 2,200 injuries, 380 fatalities, and \$104 million in property damage each year. When compared to other types of residential fires, mattress and bedding fires cause more than twice the number of injuries and deaths.

The United States Consumer Product Safety Commission, which

originally developed the federal mattress flammability standard, is currently developing another standard that will require mattresses to resist ignition from open flame sources. The State of California has already developed a resistance to open flame standard for mattresses, and has adopted legislation, rules, and regulations requiring that mattresses and box springs sold in that State meet a 30 minute resistance standard by January 1, 2005.

This bill includes a short title provision in remembrance of Matthew Albrecht, a 14-month-old victim of a residential fire caused by an ignited mattress. His tragic death, and that of thousands of others, could have been prevented by the adoption of the standards proposed in this legislation.

The bill provides that within 24 months of the bill's effective date, all mattresses and box springs situated in a hotel which has installed a sprinkler system would be required to meet the standards set forth in the bill.

The bill also provides that any inventory of mattresses and box springs which on the bill's effective date is owned by or in the possession of a retail establishment located in the State of New Jersey may be sold by that retail establishment. Those mattresses and box springs (1) could not be advertised as meeting the standards required under the bill's provisions, and (2) would be required to meet all applicable flammability standards which were in effect at the time of manufacture.

The committee amended the bill to require all mattresses and box springs to meet a 30-minute open flame resistance standard. As introduced, the bill required a 60-minute open flame resistance standard. The amendments also permit the sale of hypoallergenic mattresses which do not meet the 30-minute open flame resistance standard, provided the purchaser presents a note to the seller, certified by a physician, indicating that the purchaser is allergic to the materials used to meet the otherwise required standard. In addition, the amendments remove the provision requiring the Commissioner of Community Affairs to consult the Director of Consumer Affairs when promulgating rules and regulations pursuant to the bill's provisions.

This bill was pre-filed for introduction in the 2006 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

[First Reprint]

SENATE, No. 134

with Assembly Floor Amendments
(Proposed By Assemblywoman MCHOSE)

ADOPTED: JANUARY 29, 2007

Senate Bill No. 134 [1R] requires that, within 12 months of its effective date, all mattresses and box springs for sale in the State meet a 30-minute resistance to open flame flammability standard as set forth in California Technical Bulletin 603, "Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open Flame," dated February 2003.

These floor amendments eliminate that requirement and authorize the Commissioner of Community Affairs to enforce in the State of New Jersey the Federal open-flame mattress flammability standard issued by the United States Consumer Product Safety Commission and codified at 16 CFR Part 1633. These amendments also require the Commissioner of Community Affairs to promulgate the rules and regulations necessary to implement the provisions of the bill not later than the first day of the sixth month next following the bill's enactment.

These amendments will ensure that New Jersey citizens are afforded the full benefits of these federal flammability standards by partnering with federal authorities in enforcing strict compliance with these rules and regulations with regard to mattresses offered for sale in the State of New Jersey.

1 AN ACT concerning flammability standards for certain home
2 furnishings ², designating the act as "Matthew Albrecht Act,"²
3 and supplementing chapter 27D of Title 52 of the Revised
4 Statutes.

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

8
9 ²[1. This act shall be known and may be cited as the "Matthew
10 Albrecht Act."]²

11
12 ²[2] 1². The Legislature finds and declares:

13 a. On February 25, 2000, a residential fire in Roxbury, New
14 Jersey, led to the death of 14-month-old toddler Matthew Albrecht.
15 The fire started when a spark from an electrical outlet caused a
16 mattress to ignite. Four days later, Matthew succumbed to the
17 irreversible damage caused by smoke inhalation. This unfortunate
18 tragedy, and many others, could have been prevented by adopting
19 stricter flammability standards for mattresses and box springs for
20 sale in this State.

21 b. Mattresses and bedding are implicated in thousands of fires
22 each year, causing thousands of injuries, hundreds of fatalities, and
23 millions of dollars in property damage. Residential fires involving
24 mattresses and other bedding are in fact more aggressive and deadly
25 than other types of residential fires. The United States Fire
26 Administration estimates that mattress and bedding fires cause more
27 than twice the number of injuries and deaths than other types of
28 residential fires.

29 c. Federal law currently requires that mattresses sold in the
30 United States meet the "Standards for the Flammability of
31 Mattresses and Mattress Pads," 16 CFR ²Part² 1632. ²[Although
32 the federal standards require that the mattress resists ignition from a
33 smoldering type of fire caused by a cigarette, the standards do not
34 require that the mattress resist ignition from an open flame.
35 However, open-flame sources, such as lighters, matches, and
36 candles, cause the largest number of mattress and bedding fires.]
37 The United States Consumer Product Safety Commission recently
38 approved a new federal standard that also will require mattresses to
39 resist open-flame ignitions from lighters, matches, and candles.
40 This new federal standard will be known as the "Standard for the
41 Flammability (Open Flame) of Mattress Sets," (16 CFR Part 1633).

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ACO committee amendments adopted January 30, 2006.

²Assembly floor amendments adopted January 29, 2007.

1 The new federal standard is patterned on a standard set by the State
2 of California, codified in California Technical Bulletin 603,
3 “Requirements and Test Procedure for Resistance of a Mattress/Box
4 Spring Set to a Large Open-Flame.”²

5 d. ²[The ease with which mattresses have been found to ignite,
6 their implication in quickly magnifying and spreading residential
7 fires, and the high number of fatalities caused by mattress and
8 bedding fires, point to the need for stricter flammability standards.
9 The United States Consumer Product Safety Commission, which
10 originally developed the federal standard, is now developing
11 another standard that will require mattresses to resist not only
12 smoldering-type ignition from cigarettes, but also ignition from
13 open-flame sources. The State of California has already adopted
14 legislation requiring that mattresses sold in that state meet the open-
15 flame flammability standard stipulated in California Technical
16 Bulletin 603, "Requirements and Test Procedure for Resistance of a
17 Mattress/Box Spring Set to a Large Open-Flame."] The United
18 States Consumer Product Safety Commission estimates that 16 CFR
19 Part 1633 will prevent up to 78 percent of current addressable
20 mattress fire-related deaths and up to 84 percent of current
21 addressable related injuries. In its exhaustive cost-benefit analysis
22 of this standard, the United States Consumer Product Safety
23 Commission concluded that the societal benefits from this standard
24 substantially outweigh its costs.

25 e. 16 CFR Part 1633 requires that a mattress be subjected to a
26 specified 30-minute flammability test. During that test:

27 (1) the total heat release during the first 10 minutes of the test
28 may not exceed 15 megajoules; and

29 (2) the peak heat release for the full 30-minute test may not
30 exceed 200 kW.

31 Part 1633 also requires that a mattress undergo certain prototype
32 testing and that the mattress producer maintain certain testing,
33 quality assurance and manufacturing records. Part 1633 allows
34 consumers to order non-fire-retardant mattresses if pursuant to a
35 doctor's order such a mattress is needed to treat or manage a
36 person's physical illness or injury.

37 f. Given the national scope of the mattress manufacturing and
38 retailing industries, it is necessary that uniform national
39 requirements for the fire performance of mattresses be set. For this
40 reason, New Jersey intends for the requirements in this State for the
41 fire performance of mattresses be identical to those required in 16
42 CFR Part 1633.²

43
44 ²[3] ². a. ²['[Within] Except as provided in subsections b.,
45 c., and d. of this section, within¹ 12 months of the effective date of
46 ¹[P.L. , c. (pending before the Legislature as this bill)] this

1 act¹, all mattresses and box springs offered for sale within the State
2 shall meet a 60-minute resistance to open flame flammability test
3 that uses a pass or fail performance criteria and a standard testing
4 method, as established by the State of California in Technical
5 Bulletin 603, "Requirements and Test Procedure for Resistance of a
6 Residential Mattress/Box Spring Set to a Large Open-Flame," dated
7 February 2003] The State of New Jersey shall adopt and enforce as
8 a State safety requirement the federal mattress flammability
9 standard codified at Title 16 of the Code of Federal Regulations
10 Part 1633, as amended and supplemented².

11 b. ²['Within 24 months of the effective date of this act, all
12 mattresses and box springs situated in a hotel, as defined in section
13 3 of P.L.1967, c.76 (C.55:13A-3), which has installed a sprinkler
14 system shall meet the standards required in subsection a. of this
15 section.

16 c. Any inventory of mattresses and box springs which on the
17 effective date of this act is owned by or in the possession of a retail
18 establishment located in the State of New Jersey may be sold by
19 that retail establishment; provided however, such mattresses and
20 box springs shall not be advertised as meeting the standards
21 required under subsection a. of this section and shall meet all
22 applicable flammability standards which were in effect at the time
23 of manufacture.

24 d. It shall be permissible to sell a hypoallergenic mattress which
25 does not meet the standards required pursuant subsection a. of this
26 section, provided the purchaser presents to the seller a note,
27 certified by a physician with a plenary license to practice medicine
28 and surgery; a podiatrist licensed to practice in this State or a
29 bordering state; a physician stationed at a military or naval
30 installation located in this State who is licensed to practice in any
31 state; or, a chiropractic physician licensed to practice in this State or
32 a bordering state, which indicates that the purchaser is allergic to
33 the materials used to meet the 60-minute resistance to open flame
34 otherwise required pursuant to subsection a. of this section.

35 e.¹² The Commissioner of ²[the Department of]² Community
36 Affairs ¹[, in consultation with the fire safety commission and the
37 Director of the Division of Consumer Affairs in the Department of
38 Law and Public Safety,]¹ shall promulgate, not later than the first
39 day of the sixth month next following the effective date of
40 ¹[P.L. , c. (pending before the Legislature as this bill)] this
41 act¹, the rules and regulations necessary to effectuate the provisions
42 of ¹[P.L. , c. (pending before the Legislature as this bill)] this
43 act¹, in accordance with the provisions of the "Administrative
44 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

45

46 ²[4] ³2. This act shall take effect ²[immediately] on July 1,

A1246 [2R] MCHOSE, WISNIEWSKI

5

- 1 2007, but the Commissioner of Community Affairs may take such
- 2 anticipatory acts in advance of that date as may be necessary for the
- 3 timely implementation of this act².

1 3. a. Within 12 months of the effective date of P.L. ,
2 c. (pending before the Legislature as this bill), all mattresses and
3 box springs offered for sale within the State shall meet a 60-minute
4 resistance to open flame flammability test that uses a pass or fail
5 performance criteria and a standard testing method, as established
6 by the State of California in Technical Bulletin 603, "Requirements
7 and Test Procedure for Resistance of a Residential Mattress/Box
8 Spring Set to a Large Open-Flame," dated February 2003.

9 b. The Commissioner of the Department of Community Affairs,
10 in consultation with the fire safety commission and the Director of
11 the Division of Consumer Affairs in the Department of Law and
12 Public Safety, shall promulgate, not later than the first day of the
13 sixth month next following the effective date of P.L. , c. (pending
14 before the Legislature as this bill), the rules and regulations
15 necessary to effectuate the provisions of P.L. , c. (pending before
16 the Legislature as this bill), in accordance with the provisions of the
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
18 seq.).

19

20 4. This act shall take effect immediately.

21

22

23

SPONSOR'S STATEMENT

24

25 This bill would require that, within 12 months of the effective
26 date of the bill, all mattresses and box springs for sale in the State
27 meet a 60-minute resistance to open flame flammability standard as
28 established by the State of California in Technical Bulletin 603,
29 "Requirements and Test Procedure for Resistance of a Residential
30 Mattress/Box Spring Set to a Large Open-Flame," dated February
31 2003. This bill also requires the Commissioner of Community
32 Affairs to promulgate the rules and regulations necessary to
33 implement the provisions of the bill not later than the first day of
34 the sixth month next following the bill's enactment. This bill also
35 requires that the commissioner and the Director of the Division of
36 Consumer Affairs in the Department of Law and Public Safety
37 jointly develop the rules and regulations concerning the
38 enforcement of the bill's provisions.

39 Federal law currently requires that mattresses sold in the United
40 States meet the "Standards for the Flammability of Mattresses and
41 Mattress Pads," 16 CFR 1632, which requires that mattresses and
42 mattress pads resist ignition from a smoldering type of fire caused
43 by a cigarette. However, this standard does not require that
44 mattresses resist ignition from an open-flame source.

45 Evidence of the high flammability of mattresses when exposed
46 to open-flame sources such as lighters, matches, and candles points
47 to the need for stricter flammability standards. According to the
48 United States Fire Administration, although cigarettes account for

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1 approximately 25% of ignition in mattress and bedding fires, open
2 flame sources combined account for more than 35% of these fires.
3 Mattress and bedding fires cause approximately 20,800 fires, 2,200
4 injuries, 380 fatalities, and \$104 million in property damage each
5 year. When compared to other types of residential fires, mattress
6 and bedding fires cause more than twice the number of injuries and
7 deaths.

8 The United States Consumer Product Safety Commission, which
9 originally developed the federal mattress flammability standard, is
10 currently developing another standard that will require mattresses to
11 resist ignition from open flame sources. The State of California has
12 already developed a resistance to open flame standard for
13 mattresses, and has adopted legislation, rules, and regulations
14 requiring that mattresses and box springs sold in that State meet this
15 standard by January 1, 2005.

16 This bill includes a short title provision in remembrance of
17 Matthew Albrecht, a 14-month-old victim of a residential fire
18 caused by an ignited mattress. His tragic death, and that of
19 thousands of others, could have been prevented by the adoption of
20 the standards proposed in this legislation.

ASSEMBLY CONSUMER AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1246

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2006

As amended, Assembly Bill No. 1246 requires that, within 12 months, all mattresses and box springs for sale in New Jersey must meet a 60-minute resistance to open flame, as established by the State of California in Technical Bulletin 603, "Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open-Flame," dated February 2003. The amended bill allows hotels which have installed a sprinkler system to meet the new mattress standards within 24 months. The bill also allows mattresses owned by, or in the possession of, a retail establishment in the State to be sold, provided they meet all the flammability standards which were in effect when they were manufactured and that they are not advertised as meeting the new standard. In addition, the bill would provide a medical exemption, which would allow the sale of hypoallergenic mattresses to individuals with a physician's note indicating that they are allergic to the materials used to meet the 60-minute open flame resistance standard.

Under the amended bill, the Commissioner of Community Affairs must promulgate the rules and regulations necessary to implement the provisions of the bill not later than the first day of the sixth month next following the bill's enactment.

Federal law currently requires that mattresses sold in the United States meet the "Standards for the Flammability of Mattresses and Mattress Pads," 16 CFR 1632, which requires that mattresses and mattress pads resist ignition from a smoldering type of fire caused by a cigarette. However, this standard does not require that mattresses resist ignition from an open-flame source.

Evidence of the high flammability of mattresses when exposed to open-flame sources such as lighters, matches, and candles points to the need for stricter flammability standards. According to the United States Fire Administration, although cigarettes account for approximately 25% of ignition in mattress and bedding fires, open flame sources combined account for more than 35% of these fires. Mattress and bedding fires cause approximately 20,800 fires, 2,200 injuries, 380 fatalities, and \$104 million in property damage each year. When compared to other types of residential fires, mattress and

bedding fires cause more than twice the number of injuries and deaths.

The United States Consumer Product Safety Commission, which originally developed the federal mattress flammability standard, is currently developing another standard that will require mattresses to resist ignition from open flame sources. The State of California has already developed a resistance to open flame standard for mattresses, and has adopted legislation, rules, and regulations requiring that mattresses and box springs sold in that State meet this standard by January 1, 2005.

This bill includes a short title provision in remembrance of Matthew Albrecht, a 14-month-old victim of a residential fire caused by an ignited mattress. His tragic death, and that of thousands of others, could have been prevented by the adoption of the standards proposed in this legislation.

This bill was pre-filed for introduction in the 2006 legislative session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

At the sponsor's request, the committee amended the bill to:

- Allow hotels which have installed a sprinkler system to meet the new mattress standards within 24 months;
- Allow the sale of mattresses owned by, or in the possession of, retail establishments located in New Jersey, provided they meet all the flammability standards which were in effect when they were manufactured and they are not advertised as meeting the new standard;
- Authorize the sale of hypoallergenic mattresses which do not meet the 60-minute open flame resistance standard, provided the purchaser presents a note to the seller, certified by a physician, indicating that the purchaser is allergic to the materials used to meet the otherwise required standard; and
- Remove the provision requiring the Commissioner of Community Affairs to consult the Director of Consumer Affairs when promulgating rules and regulations relative to the bill.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1246

with Assembly Floor Amendments
(Proposed By Assemblywoman MCHOSE)

ADOPTED: JANUARY 29, 2007

Assembly Bill No. 1246 [1R] requires that, within 12 months, all mattresses and box springs for sale in New Jersey must meet a 60-minute resistance to open flame, as established by the State of California in Technical Bulletin 603, "Requirements and Test Procedure for Resistance of a Residential Mattress/Box Spring Set to a Large Open-Flame," dated February 2003.

These floor amendments eliminate that requirement and authorize the Commissioner of Community Affairs to enforce in the State of New Jersey the Federal open-flame mattress flammability standard issued by the United States Consumer Product Safety Commission and codified at 16 CFR Part 1633. These amendments also require the Commissioner of Community Affairs to promulgate the rules and regulations necessary to implement the provisions of the bill not later than the first day of the sixth month next following the bill's enactment.

These amendments will ensure that New Jersey citizens are afforded the full benefits of these federal flammability standards by partnering with federal authorities in enforcing strict compliance with these rules and regulations with regard to mattresses offered for sale in the State of New Jersey.