STD. 400 (REV. 01-2013)	I/REGULATIONS SU		rever	IN THE UPPICE OF
OAL FILE NOTICE FILE NUMBER	12 717	1015 200	EMERGENCY NUMBER	2013 NOV 21 PM 3: 47
	For use by Office of Adm	inistrative Law (QAL) on	22 PH 2:59	
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NOTIC			REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Bureau of Electronic and A		⁻ urnishings and Thei	mal Insulation	AGENCY FILE NUMBER (If any)
A. PUBLICATION OF NOT	CE (Complete for pu	blication in Notice	Register)	
1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFE	CTED 2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE	4. AGENCY CO	DNTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
Regulatory Action Ott Ott OAL USE ACTION ON PROPOSI			NOTICE REGISTER NU	JMBER PUBLICATION DATE
ONLY Approved as Submitted	Approved as Modified	Disapproved/ Withdrawn	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	
B. SUBMISSION OF REGU	LATIONS (Complete w	hen submitting re	gulations)	
1a. SUBJECT OF REGULATION(S) New Flammability Standard	for Upholstered Furnit	ure/TB 117-2013	1b. ALL PREVIC	DUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATION				
SECTION(S) AFFECTED	ADOPT	PT4 2	r agency	
(List all section number(s) individually. Attach	AMEND		request	
additional sheet if needed.)	1101, 1126, 1373.2, 1 REPEAL	374, 1374.2, 1374.3,	and 1383.2	
TITLE(S) 4	1370, 1374.1			
3. TYPE OF FILING Regular Rulemaking (Gov.				
Regular Rulemaking (Gov. Code §11346)	below certifies that this ag		Emergency Readop Code, §11346.1(h))	Effect (Cal. Code Regs., title
withdrawn nonemergency filing (Gov. Code §§11349.3,	provisions of Gov. Code § before the emergency reg	ulation was adopted or	File & Print	1, §100) Print Only
11349.4)	within the time period rec		C Other (Specify)	
§11346.1(b))	emergency filing (Gov, Co	de, §11346.1}	Other (Specify)	
4. ALL BEGINNING AND ENDING DATES OF AV August 19, 2013 - Septemb	er 3, 2013.		HE RULEMAKING FILE (Cal. Code	Regs. title 1, 544 and Gov. Code \$11347.1)
5. EFFECTIVE DATE OF CHANGES (Gov. Code, § Effective January 1, April 1, July 1, or October 1 (Gov, Code §11343.4(a))		wilh §100 Changes V		w)
6. CHECK IF THESE REGULATIONS REC		ONSULTATION, APPROVAL O	R CONCURRENCE BY, ANOT	HER AGENCY OR ENTITY
Department of Finance (Form STE		- Weni		X State Fire Marshal
X Other (Specify)	DENISE D.	BROWN, Director, De	FAX NUMBER (C	
7 CONTACT PERSON		(916) 999-2068		diana.godines@dca.ca.gov
7. CONTACT PERSON Diana Godines				For use by Office of Administrative Law (OAL) only
Diana Godines ^{8.} I certify that the attach	ed copy of the regulatio			
Diana Godines ^{8.} I certify that the attach of the regulation(s) ide	ntified on this form, that	t the information sp	ecified on this form	
Diana Godines 8. I certify that the attach of the regulation(s) ide is true and correct, and or a designee of the he	ntified on this form, tha I that I am the head of th ad of the agency, and ar	t the information sp he agency taking this n authorized to make	ecified on this form action,	ENDORSED APPROVED
Diana Godines 8. I certify that the attach of the regulation(s) ide is true and correct, and	ntified on this form, tha I that I am the head of th ad of the agency, and ar	t the information spo ne agency taking this	ecified on this form action,	
Diana Godines 8. I certify that the attach of the regulation(s) ide is true and correct, and or a designee of the he	entified on this form, that I that I am the head of the ad of the agency, and ar SIGNEE	t the information sp he agency taking this n authorized to make	ecified on this form action,	ENDORSED APPROVED

California Code of Regulations Title 4. Business Regulations Division 3. Bureau of Home Furnishings

ORDER OF ADOPTION

Amend section 1101 of Article 1 to read as follows:

1101. Definitions of Bureau and Act.

For the purposes of these rules and regulations, the term "Bureau" means the Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u>, and the term "act" means Chapter 3 of Division 8 of the Business and Professions Code, which chapter is also cited as the Home Furnishings Act.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19000 and 19004, Business and Professions Code.

Amend section 1126 of Article 2 to read as follows:

1126. Official Law Label Requirements.

This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1126, operative on and after January 1, 2015.

- (a) Attachment of Law Labels. Labels shall be securely fastened onto completed articles and bulk materials in a manner approved by the Bureau in such an area as to be openly and easily visible to view. Labels are not to be concealed or obstructed from view in any manner.
- (b) Label Material. Law labels shall be constructed of material approved by the Bureau and shall not be easily torn or defaced.
- (c) Color of Label and Color of Ink:
 - (1) A white law label printed in black ink shall be used for new materials.
 - (2) A red law label printed in black ink shall be used for materials which are in whole or in part secondhand (used).
 - (3) A green label printed in black ink shall be used for "Owner's Material."
- (d) Statements and Headings to be Shown on Law Labels:
 - (1) "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label.
 - (2) Headings shall read "All New Material" when the material is wholly new; "Secondhand (Used) Material" when the material is in whole or in part secondhand.
 - (3) Description of filling material as provided in the applicable regulations.
 - (4) For owner's own materials the heading shall state: "THIS ARTICLE NOT FOR SALE" "OWNER'S MATERIAL."
 - (5) The registry number assigned or approved by the Bureau.
 - (6) "Certification is made by the manufacturer that the materials in this article are described in accordance with law."

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- (7) For owner's own materials the certification portion of the label shall state: "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN ACCORDANCE WITH LAW AND CONSIST OF THE FOLLOWING."
- (8) For owner's own materials the name and address of the owner.
- (9) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows, and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.
- (10) The net weight of filling materials in articles of bedding such as sleeping bags, mattresses, box springs, pads and similar items, stated in pounds and ounces.
- (11) All bulk filling materials which meet the requirements of Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings and <u>Thermal Insulation</u> Technical Bulletin No. 117, dated March 2000 shall have imprinted on the law label immediately following the requirements as set forth in subsection (c) of this section the statement: "THIS PRODUCT MEETS THE REQUIREMENTS OF BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL INSULATION</u> TECHNICAL BULLETIN 117."
- (12) In addition to the requirements set forth in subsection (11) of this section all invoices for products meeting the requirements of Bureau of <u>Electronic and Appliance</u> <u>Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin No. 117, dated March 2000 shall have stated on such invoices the identification of the product meeting the requirement and the statement that such identified products meet the requirements of Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and</u> <u>Thermal Insulation</u> Technical Bulletin No. 117.
- (e) Size of Law Labels and Type of Printing:
 - (1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.
 - (2) The minimum size of type shall be one-eighth inch in height, in capital letters.
 - (3) All printing shall be in English.
- (f) Forms of Law Labels.

For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.

(Space for Stitching)		(WHITE LABEL)	
NDER PENALTY OF			
ALL NEW MATERIAL		Minimum type size one-eighth inch in height, in capital letters.	
		-Insert description of filling materials by clearly imprinting in	
	Registry No.	English, using capital letters not less than one-eighth	
(This space for revenue stamp when required)	Certification Is made by the nnnufacturer that the materials in this suffice are described in accordance with law.	inch high.	
Name and addre or manufa		Name and address of vendor or manufacturer	

Type No. 2

For articles of furniture with loose cushions.

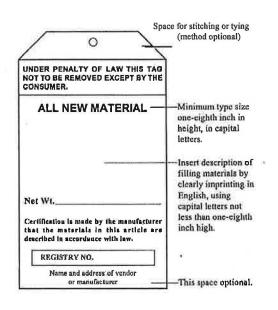
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		(WHITE LABEL)
ALL NEW Ma consisti BODY:		
BACK CUSHIONS:		
SEAT CUSHIONS:		
(This space for	Registry No.	inch high.
(This space for revenue stamp when required)	Certification fa made by the manufacturer that the mutorials in this article are described in accordance with law.	
Nume and addres		-Name and address
(Space for Stliching)		of vendor or manufacturer

For owner's own materials.

(Space for Stitching at	(GREEN LABEL)	
UNDER PENALTY OF L Not to be removed e Consumer.		
This Article Not OWNER'S MAT Certification is made to contains the same matere received from the ow added materials are accordance with law, an following ALL NEW MAT	Minimum type size one-eighth inch in height, in capital letters. Insert description of filling materials by clearly imprinting in English, using capital letters not	
Renovated or repaired by:		less than one-eighth inch high. —This space optional.
Registry No Date		
Owner: Address:		
(Space for Stitching at	top or bottom)	1

Type No. 4

For bulk filling materials such as batting and pads.



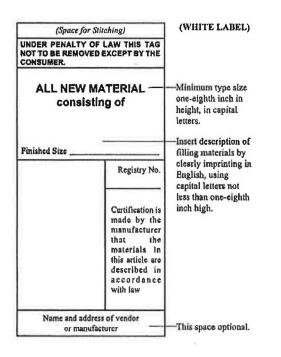
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For packaged filling materials ready for use by the ultimate customer.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.	
ALL NEW MATERIAL	-Minimum type size one-eighth inch in height, in capital letters.
REGISTRY NO.	—Insert description of filling materials by clearly imprinting in English, using
Certification is made by the manufacturer that the materials in this article are described in accordance with law.	capital letters not less than one-eighth inch high.
Name and address of vendor	-This space optional.

Type No. 6

For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.



For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.

(Space for Stliching)		(WHITE LABEL)
	LTY OF LAW THIS TAG MOVED EXCEPT BY THE	
ALL NEW MATERIAL		—Minimum type size one-eighth inch in height, in capital letters. —Insert description of
Finished Size	Net Wt. of Filling Mat'l	filling materials by clearly imprinting in
	Registry No.	English, using capital letters not less than one-eighth inch high.
	Certification is made by the manufacturer that the materials in this article are described in accordance with law	
	nd address of vendor r manufacturer	-This space optional.

Type No. 8

For bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.	Space for stitching or tying. (Method optional)
ALL NEW MATERIAL	Minimum type size one-cighth inch in height, in capital letters.
Net Wt Certification is made by the manufacturer that the materials in this article are described in accordance with law. This product meets the requirements of Bureau of <u>Electronic and Appliance Repair</u> , Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin Number 117.	-Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
REGISTRY NO.	
Name and address of vendor	-This space optional.

For bedding articles that contain whole or in part any secondhand (used) filling materials.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER	(Red Label)
THIS PRODUCT CONTAINS SECONDHAND (USED) FILLING MATERIALS	Minimum type size one- eighth loch in height, in capital letters. Insert description of any newly added filling materials
Finished Net Wgt. Of Filling SizeMat'llbs.	-
Registry No.	
Certification is made by the manufacturer that the materials in this article are described in accordance with the law.	
Name and address of vendor or manufacturer.	optional information

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081, 19086, 19087, 19088, 19089.3, 19089.5, 19092 and 19093, Business and Professions Code.

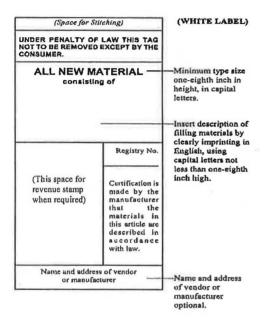
1126. Official Law Label Requirements.

This section operative on and after January 1, 2015. See preceding Section 1126, operative until December 31, 2014 and inoperative as of January 1, 2015.

- (a) Attachment of Law Labels. Labels shall be securely fastened onto completed articles and bulk materials in a manner approved by the Bureau in such an area as to be openly and easily visible to view. Labels are not to be concealed or obstructed from view in any manner.
- (b) Label Material. Law labels shall be constructed of material approved by the Bureau and shall not be easily torn or defaced.
- (c) Color of Label and Color of Ink:
 - (1) A white law label printed in black ink shall be used for new materials.
 - (2) A red law label printed in black ink shall be used for materials which are in whole or in part secondhand (used).
 - (3) A green label printed in black ink shall be used for "Owner's Material."
- (d) Statements and Headings to be Shown on Law Labels:
 - (1) "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE . CONSUMER" shall appear at the top of the label.
 - (2) Headings shall read "All New Material" when the material is wholly new; "Secondhand (Used) Material" when the material is in whole or in part secondhand.
 - (3) Description of filling material as provided in the applicable regulations.

- (4) For owner's own materials the heading shall state: "THIS ARTICLE NOT FOR SALE" "OWNER'S MATERIAL."
- (5) The registry number assigned or approved by the Bureau.
- (6) "Certification is made by the manufacturer that the materials in this article are described in accordance with law."
- (7) For owner's own materials the certification portion of the label shall state: "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN ACCORDANCE WITH LAW AND CONSIST OF THE FOLLOWING."
- (8) For owner's own materials the name and address of the owner.
- (9) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows, and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.
- (10) The net weight of filling materials in articles of bedding such as sleeping bags, mattresses, box springs, pads and similar items, stated in pounds and ounces.
- (11) All bulk filling materials which meet the requirements of Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin No. 117-2013, dated <u>March 2000 June 2013</u> shall have imprinted on the law label immediately following the requirements as set forth in subsection (c) of this section the statement: "THIS PRODUCT MEETS THE REQUIREMENTS OF BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL INSULATION</u> TECHNICAL BULLETIN 117-2013."
- (12) In addition to the requirements set forth in subsection (11) of this section all invoices for products meeting the requirements of Bureau of <u>Electronic and Appliance</u> <u>Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin No. 117-2013, dated <u>March 2000</u> <u>June 2013</u> shall have stated on such invoices the identification of the product meeting the requirement and the statement that such identified products meet the requirements of Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin No. 117-2013.
- (e) Size of Law Labels and Type of Printing:
 - (1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.
 - (2) The minimum size of type shall be one-eighth inch in height, in capital letters.
 - (3) All printing shall be in English.
- (f) Forms of Law Labels.

For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.



Type No. 2

For articles of furniture with loose cushions.

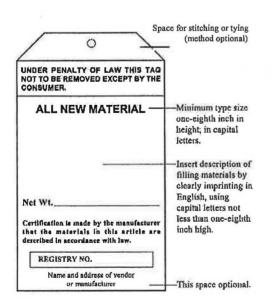
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		(WHITE LABEL)	
ALL NEW M. consisti BODY:	Minimum type size one-eighth litch in height, in capital letters. —Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth		
BACK CUSHIONS:			
SEAT CUSHIONS			
	Registry No.	inch high.	
(This space for revenue stamp when required)	Certification is made by the manufucturer that the materials in this article are described in a c c or d an c c with law.		
Name and addres or manufactor		-Name and address	
(Space for Stitching)		of vendor or manufacturer	

For owner's own materials.

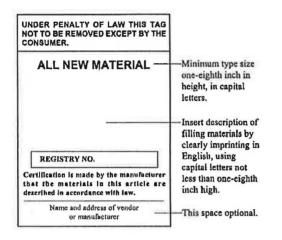
- Minimum type slze one-eighth inch in height, in capital letters. - Insert description of filling materials by clearly Imprinting in English, using capital letters not less than one-eighth inch
-This space optional.

Type No. 4

For bulk filling materials such as batting and pads.

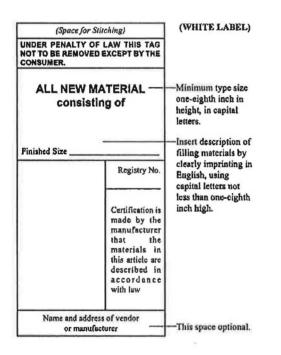


For packaged filling materials ready for use by the ultimate customer.



Type No. 6

For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.



For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.

(Space for Stitching)		(WHITE LABEL)
	TY OF LAW THIS TAG MOVED EXCEPT BY THE	
	W MATERIAL	-Minimum type size one-eighth Inch in height, in capital letters.
Finished Size	Net Wi. of Filling Mat'l	 Insert description of filling materials by clearly imprinting in
	Registry No.	English, using capital letters not less than one-eighth inch high.
	Certification is made by the manufacturer that the materials in this article are described in accordance with Jaw	
	d address of vendor manufacturer	-This space optional.

Type No. 8

For bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.	 Space for stitching or tying. (Method optional)
ALL NEW MATERIAL	Minimum type size onc-eighth inch in height, in capital letters.
Net WL Certification is made by the manufacturer that the materials in this article are described in accordance with law. This product meets the requirements of Bureau of <u>Electronic and Appliance Repair</u> , Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin Number 117 <u>-2013</u> .	- Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
REGISTRY NO. Name and address of vendor or manufacturer	—This space optional.

For bedding articles that contain whole or in part any secondhand (used) filling materials.

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER	(Red Label)
THIS PRODUCT CONTAINS SECONDHAND (USED) FILLING MATERIALS	Minimum type size one- sighth Inch in holght, in capital letters. Insert description of any newly added filling materials
Finished Net Wgt. Of Filling SizeMat'llbs.	P
Registry No.	
Certification is made by the manufacturer that the materials in this article are described in accordance with the law.	
Name and address of vendor or manufacturer.	optional information

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081, 19086, 19087, 19088, 19089.3, 19089.5, 19092 and 19093, Business and Professions Code.

Repeal Section 1370 of Article 13 as follows:

1370. Flame Resistant, Flame Retardant.

- (a) Filling materials labeled as "flame resistant," "flame retardant" and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Home Furnishings Technical Bulletin No. 117, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.
- (b) Fabrics labeled as "flame resistant," "flame retardant," and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Home Furnishings Technical Bulletin No. 105, entitled, "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Fabrics," dated January 1980.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

Amend Section 1373.2 of Article 13 to read as follows:

1373.2. Flammability; Flexible Polyurethane Foam.

This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1373.2, operative on and after January 1, 2015.

All flexible polyurethane foam in the form of slabs, blocks, or sheets, or which is shredded (loose or packaged), except polyurethane foam which cannot reasonably be expected to be used in or as an article of furniture or in or as a mattress, that is offered for sale to the general public at retail outlets in this state for non-commercial or non-manufacturing purposes shall meet the test requirements set forth in Section A, Part I; Section A, Part II and Section D, Part II of the State of California, Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and</u> <u>Thermal Insulation</u> Technical Bulletin No. 117, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.3, Business and Professions Code.

1373.2. Flammability; Flexible Polyurethane Foam.

This section operative on and after January 1, 2015. See preceding Section 1373.2, operative until December 31, 2014 and inoperative as of January 1, 2015.

On and after January 1, 2015, Aall flexible polyurethane foam in the form of slabs, blocks, or sheets, or which is shredded (loose or packaged), except polyurethane foam which cannot reasonably be expected to be used in or as an article of furniture or in or as a mattress, that is offered for sale to the general public at retail outlets in this state for non-commercial or non-manufacturing purposes shall meet the test fire retardant requirements set forth in Section A, Part-I; Section A, Part-II and Section D, Part II Section 3, Resilient Filling Material Test of the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture," dated March 2000 June 2013 which is incorporated by reference. This section shall not apply to flexible polyurethane foam manufactured prior to January 1, 2015.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.3, Business and Professions Code.

Amend section 1374 of Article 13 to read as follows:

1374. Flammability; Upholstered and Reupholstered Furniture.

This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1374, operative on and after January 1, 2015.

(a) All filling materials contained in any article of upholstered furniture, and all filling materials added to reupholstered furniture, shall meet the test requirements as set forth in the State of California, Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal</u> <u>Insulation</u> Technical Bulletin Number 117, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.

- (b) In addition to the requirements of subsection (a) above, finished articles of upholstered furniture may also be tested in accordance with the State of California, Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 1980.
- (c) On and after March 1, 1992, a<u>A</u>ll upholstered seating furniture sold for use in public occupancies, as defined in subsection (d) below, shall meet the test requirements set forth in the State of California, Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings and Thermal Insulation Technical Bulletin Number 133, entitled "Flammability Test Procedure For Seating Furniture For Use in Public Occupancies," dated January 1991.
- (d) For purposes of this section, the term "public occupancies" shall mean:
 - (1) Jails, prisons, and penal institutions, as defined in Chapter 3 of the California State Building Standards Code.
 - (2) Hospitals, mental health facilities, and similar health care facilities, as defined in Chapter 3 of the California State Building Standards Code.
 - (3) Nursing homes, board and care facilities, and convalescent homes, as defined in Chapter 3 of the California State Building Standards Code.
 - (4) Child day care centers, as defined in Chapter 3 of the California State Building Standards Code.
 - (5) Public auditoriums and stadiums, as defined in Chapter 3 of the California State Building Standards Code.
 - (6) Public assembly areas, as defined in Chapter 3 of the California State Building Standards Code, containing ten (10) or more articles of seating furniture and located in hotels, motels and lodging houses.
- (e) Public occupancies and public assembly areas, as defined in Section 1374(d), which are fully sprinklered in accordance with either National Fire Protection Association (NFPA) Standard NFPA 13-1996 or Uniform Building Code Standard No. 38-1, dated 1988 shall <u>either</u> comply with the requirements of section 1374(a) and may comply with <u>or</u> the requirements of section 1374(c).
- (f) The flammability requirements contained in this section are considered to be flammability performance standards. Testing under these standards shall be at the discretion of the licensee; however, products and materials offered for sale in this state shall meet all applicable flammability requirements established in these regulations.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

1374. Flammability; Upholstered and Reupholstered Furniture.

This section operative on and after January 1, 2015. See preceding Section 1374, operative until December 31, 2014 and inoperative as of January 1, 2015.

(a) On and after January 1, 2015, Aall filling materials and cover fabrics contained in any article of upholstered furniture, and all filling materials added to reupholstered furniture, shall meet the test fire retardant requirements as set forth in the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 117-2013, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture," dated March 2000 June 2013 and be labeled in accordance with

Section 1374.3. This section incorporates by reference Technical Bulletin 117-2013 and shall not apply to filling materials and cover fabric manufactured prior to January 1, 2015.

- (b) In addition to the requirements of subsection (a) above, finished articles of upholstered furniture may also be tested in accordance with the State of California, Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings <u>and Thermal Insulation</u> Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 1980.
- (c) On and after March 1, 1992, a<u>A</u>ll upholstered seating furniture sold for use in public occupancies, as defined in subsection (d) below, shall meet the test requirements set forth in the State of California, Bureau of <u>Electronic and Appliance Repair</u>, Home Furnishings and Thermal Insulation Technical Bulletin Number 133, entitled "Flammability Test Procedure For Seating Furniture For Use in Public Occupancies," dated January 1991.
- (d) For purposes of this section, the term "public occupancies" shall mean:
 - (1) Jails, prisons, and penal institutions, as defined in Chapter 3 of the California State Building Standards Code.
 - (2) Hospitals, mental health facilities, and similar health care facilities, as defined in Chapter 3 of the California State Building Standards Code.
 - (3) Nursing homes, board and care facilities, and convalescent homes, as defined in Chapter 3 of the California State Building Standards Code.
 - (4) Child day care centers, as defined in Chapter 3 of the California State Building Standards Code.
 - (5) Public auditoriums and stadiums, as defined in Chapter 3 of the California State Building Standards Code.
 - (6) Public assembly areas, as defined in Chapter 3 of the California State Building Standards Code, containing ten (10) or more articles of seating furniture and located in hotels, motels and lodging houses.
- (e) Public occupancies and public assembly areas, as defined in Section 1374(d), which are fully sprinklered in accordance with either National Fire Protection Association (NFPA) Standard NFPA 13-1996 or Uniform Building Code Standard No. 38-1, dated 1988 shall <u>either</u> comply with the requirements of section 1374(a) and may comply with <u>or</u> the requirements of section 1374(c).
- (f) The flammability requirements contained in this section are considered to be flammability performance standards. Testing under these standards shall be at the discretion of the licensee; however, products and materials offered for sale in this state shall meet all applicable flammability requirements established in these regulations.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

Repeal section 1374.1 of Article 13 as follows:

1374.1. Exemptions.

(a) Articles exempted from the provisions of Section 1374 of these regulations shall have a label attached to the surface area of the article, in plain view stating the following:

NOTICE

THIS ARTICLE DOES NOT MEET CALIFORNIA BUREAU OF HOME FURNISHINGS FLAMMABILITY REQUIREMENTS-TECHNICAL BULLETIN 117. CARE-SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) The minimum size of the label shall be 2 x 3 inches and the minimum size of type shall be one-eighth inch in height. All type shall be in capital letters.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19081 and 19161.5, Business and Professions Code.

Amend section 1374.2 of Article 13 to read as follows:

1374.2. Criteria for Exemption.

Articles of upholstered furniture, other than furniture used for and in facilities designed for the care or treatment of humans, which meet any of the following criteria shall be exempt from compliance with the provisions of Section 19161 of the Home Furnishings Act:

- (a) Cushions and pads intended solely for outdoor use.
- (b) Any article which is smooth surfaced and contains no more than one-half (1/2) inch of filling material, provided that such article does not have a horizontal surface meeting a vertical surface.
- (c) Strollers, infant carriers, and nursing pillows Bassinets, booster seats, car seats, changing pads, floor play mats, highchairs, highchair pads, infant bouncers, infant carriers, infant seats, infant swings, infant walkers, nursing pads, nursing pillows, playpen side pads, playards, portable hook-on chairs, and strollers.
- (d) Any article manufactured in accordance with a written prescription from any one of the health care professionals set forth in this subdivision, or manufactured in accordance with other comparable written medical therapeutic specification, to be used in connection with the treatment or management of a named individual's physical illness or injury. Any one of the following health care professionals may provide the written prescription required by this subdivision provided that the health care professional has a current and valid license to practice in California or any other state of the United States in which the prescription was written: physicians, chiropractors or osteopaths.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.5, Business and Professions Code.

Amend section 1374.3 of Article 13 to read as follows:

1374.3. Labeling.

This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1374.3, operative on and after January 1, 2015.

(a) Upholstered furniture conforming to the requirements of Section 1374(a) and 1374(b) of these regulations shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS ALL FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL</u> <u>INSULATION</u> TECHNICAL BULLETINS 116 AND 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) Upholstered articles conforming to Section 1374(a) but which may not conform to Section 1374(b) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL</u> <u>INSULATION</u> TECHNICAL BULLETIN 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(c) Articles of furniture conforming to the requirements of section 1374(c) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND</u> <u>APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL INSULATION</u> TECHNICAL BULLETIN 133. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

- (d) Minimum size of the label for subsections (a), (b) and (c) shall be 2 x 3 inches and the minimum size of the type shall be one-eighth inch in height. All type shall be in capital letters.
- (e) All flammability labels described in sections 1373.1, 1374.1, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19080, 19081 and 19161, Business and Professions Code.

1374.3. Labeling.

This section operative on and after January 1, 2015. See preceding Section 1374.3, operative until December 31, 2014 and inoperative as of January 1, 2015.

(a) Upholstered furniture conforming to the requirements of Section 1374(a) and 1374(b) of these regulations shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS ALL FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL</u> <u>INSULATION</u> TECHNICAL BULLETINS 116 AND 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) Upholstered articles conforming to Section 1374(a) but which may not conform to Section 1374(b) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND APPLIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL</u> <u>INSULATION</u> TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(c) Articles of furniture conforming to the requirements of section 1374(c) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE

THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF <u>ELECTRONIC AND</u> <u>APPIANCE REPAIR</u>, HOME FURNISHINGS <u>AND THERMAL INSULATION</u> TECHNICAL BULLETIN 133. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

- (d) Minimum size of the label for subsections (a), (b) and (c) shall be 2 x 3 inches and the minimum size of the type shall be one-eighth inch in height. All type shall be in capital letters.
- (e) All flammability labels described in sections 1373.1, 1374.1, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19080, 19081 and 19161, Business and Professions Code.

Amend section 1383.2 of Article 15.5 to read as follows:

1383.2. Fines.

(a) The chief shall assess fines in accordance with the following schedule: provided, however, in no case shall the total exceed \$2,500 for each inspection made with respect to the violation.

<u>Rule*</u>	Range of Fines			
1108	1. General Provisions. Procedure Re License	\$150 to 1,500		
1109	"Withhold from Sale" Tag	100 to 1,000		
1110	Names of Filling Materials	100 to 1,000		
1113	Deviation from Percentages Stated	100 to 1,000		
1114	Water Repellent, Water Resistant	100 to 1,000		
1116	Mildew Proof, Mildew Resistant	100 to 1,000		
1118	Moth Proof, Moth Resistant	100 to 1,000		
1119	Bacteria Proof, Odor Resistant	100 to 1,000		
1120	Stain Proof, Stain Resistant	100 to 1,000		
1121	Soil Resistant, Soil Repellent	100 to 1,000		
Article 2. Official Law Labels for Upholstered Furniture and Bedding and Bulk Filling Materials.				
1125	Labeling Requirements	100 to 1,000		
1126	Official Law Label Requirements	100 to 1,000		
Article	2.5. Universal Filling Requirements.			
1130	Cleanliness	100 to 1,000		
1131	Oil and Grease Limitations	100 to 1,000		
1132	Trash Limitation – Vegetable Fibers	100 to 1,000		
1133	Sludge Limitations	100 to 1,000		
1134	Residue Limitations	100 to 1,000		
Article 3. Universal Definitions and Labeling.				
1135	Terms of Definition and Label Requirements	100 to 1,000		
1137	Care Instructions	100 to 1,000		
Article 5. Plumage Regulations.				
1192.1		100 to 1,000		
Article 9. Sanitization Regulations.				
1253	Chamber Identification	100 to 1,000		
1254	Lot (sanitization)	100 to 1,000		
1256	Records (sanitization)	100 to 1,000		
1258	Method of Sanitization	100 to 1,000		
1265	Disinfecting (sanitization)	100 to 1,000		
1266	Official Sanitization Label (sanitization) Requirements	100 to 1,000		

Article 10. False or Misleading Advertising. 200 to 2,000 1301 Former Price 200 to 2,000 1302 Former Price of Same Article 200 to 2,000 1304.1 Bait and Switch Advertising 200 to 2,000 1305 Special Sale 200 to 2,000 1306 Purchase of Additional Merchandise 200 to 2,000 1307 Pre-Ticketing 200 to 2,000 1308 Imperfects, Irregulars, Second or Damaged 200 to 2,000 1309 Factory Ottlet 200 to 2,000 1309.1 Factory Direct 200 to 2,000 1310 Custom Made 200 to 2,000 1311 Labor Free 200 to 2,000 1312 Liquidation 200 to 2,000 1313 Guarantee and Warranty 200 to 2,000 1314 Disclosure of Guarantee 200 to 2,000 1315 Pro-rata Guarantee 200 to 2,000 1315 Secondhand Merchandise 200 to 2,000 1353 Information Label (waterbeds) 100 to 1,000 1354 Water Mattress (waterbeds)		Article 1	A False or Micloading Advertising		
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Business and Professions Code SectionArticle 3. Licensing.19060Separate license for each branch house19060.5On his own account19060.6Contracts for repair of furniture and bedding19061One address, multiple names19062Posting of license	150 to 1,500 150 to 1,500 150 to 1,500 150 to 1,500 100 to 1,000
 Article 4. Application of Chapter. 19071 Sanitization 19072 Compliance with chapter defined 19072.5 Responsibility for labeling 19072.6 Labeling of slip seats 	100 to 1,000 150 to 1,500 100 to 1,000 100 to 1,000
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Article 7. Regulations.19150False advertising19151Misleading illustrations19152Unconditional warranties19158Custom upholsterer ID label19160Cleanliness of premises19161Fire retardant requirements	200 to 2,000 200 to 2,000 200 to 2,000 100 to 1,000 100 to 1,000 250 to 2,500

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19161.3	Fire retardant polyurethane foam	250 to 2,500
19162	Custom upholsterer estimate	150 to 1,500
19163	Custom upholsterer work order	150 to 1,500
19165	Insulation product testing	250 to 2,500
Article 19204 19205 19206	9. Enforcement. Removal of Withhold tag Failure to produce withheld products Interference with an inspector's duties	250 to 2,500 250 to 2,500 250 to 2,500

*References for Rules are to sections of Title 4 of the California Code of Regulations. Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

> Tonya Blood, Bureau Chief Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation