

**Department of Consumer Affairs,  
Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation**

**15-Day Notice of Modifications to Text of Proposed Regulations**

**New Flammability Standards for Upholstered Furniture /  
Articles Exempt from Flammability Standards**

Pursuant to the requirements of Government Code section 11346.8(c), and California Code of Regulations, Title 1, Section 44, the California Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau) is providing notice of changes made to the above entitled proposed regulation. Specifically, the Bureau is making changes to the text of Sections 1126, 1370, 1373.2, 1374, 1374.2, and 1383.2 of Title 4 of the California Code of Regulations. The Bureau is also making changes to the Technical Bulletin 117-2013 (TB 117-2013) which is to be incorporated by reference under Section 1373.2.

**Modifications to the proposed language:**

The Bureau is modifying Sections 1126(11) and (12) by updating the standard's reference date from January 2013 to June 2013 to reflect its revision date.

The Bureau is repealing Section 1370(a) to remove misleading and duplicative regulatory language.

The Bureau is modifying Section 1373.2 and 1374(a) by extending the manufacturers' mandatory compliance date from "On or after July 1, 2014" to "On or after January 1, 2015" to allow the additional time needed to deplete current supplies and effectuate the new regulatory changes; by deleting "test" and adding "fire retardant" to add clarity to the requirements of these sections; and by updating the standard's reference date from January 2013 to June 2013.

The Bureau is modifying Section 1373.2 to add language which would incorporate by reference the Technical Bulletin 117-2013 into regulation.

The Bureau is modifying Section 1374(a) by adding language which would provide reference to specific labeling requirements.

The Bureau is deleting infant mattresses and infant mattress pads from the criteria of exemption in Section 1374.2(c) since these products are currently under the jurisdiction of the Consumer Product Safety Commission and not the Bureau.

The Bureau is adding subsection (d) to Section 1374.2 which would allow articles of upholstered furniture to be manufactured in accordance with a written prescription from certain health care professionals, or with other comparable written medical therapeutic specification, that would be exempt from having to meet flammability standards. In addition, the Bureau is defining "health care professional" to make clear who would be qualified to write a prescription that would be considered valid and acceptable.

The Bureau is modifying Section 1383.2 by deleting the citation and fine provision of subsection 1370 to provide consistency with the repeal of Section 1370.

## Modifications to the TB 117-2013 Standard:

### Introduction:

- This section was modified to add reference to the decking materials test method.

### 1.Scope:

- Subsection 1.3 was modified to add reference to the decking materials test method.
- Subsection 1.4.4 was added to include the definition of the term “Decking Material Test”

### 2.Referenced Documents:

- Subsection 2.1 was modified to name the correct version of the ASTM standard which is to be referenced. This grammatical correction changed “ASTM E1353-08a” to “ASTM E1353-08a<sup>ε1</sup>”.
- Subsection 2.3 was added to include the document AATCC Test Method 124-2011 as a reference.

### 3.Terminology:

- Subsection 3.3 was modified to clarify the meaning of the term “Barrier (interliner) material”.
- Subsection 3.5 was added to include the term and definition of “Deck” under this section.

### 4.Summary of Test Method:

- This section was modified to add reference to the decking materials test method.

## Section 1. Cover Fabric Test

### 1.2 Test Specimen:

- The initial instruction was modified to name the correct version of the ASTM standard which is to be referenced which is “ASTM E1353-08a<sup>ε1</sup>”.
- 1.3 Test Procedure:
- The initial instruction was modified to name the correct version of the ASTM standard which is to be referenced which is “ASTM E1353-08a<sup>ε1</sup>”.
- Step 1.3.1 was deleted to remove the reference to the draft enclosure from the standard.
- Step 1.3.2 was renumbered to Step 1.3.1. The typographical error relating to the measurement between test specimens was corrected from 125 mm to 152 mm throughout the standard. In addition, the measurements were reordered to read inches/mm instead of mm/inches for consistency throughout the standard.
- Step 1.3.3 was renumbered to Step 1.3.2.
- Step 1.3.4 was deleted to remove the requirement that the maximum char length is to be measured in all directions. Instead ASTM step 11.9 is to be followed in its entirety which requires the char length to be measured in a vertical direction.

### 1.4 Pass/Fail Criteria:

- Step 1(b) was modified to make specific that the pass or fail of test specimen would be determined by measuring the vertical char length instead of measuring the char length in any direction.

## Section 2. Barrier Materials Test

### 2.2 Test Specimens:

- The initial instruction referencing ASTM Section 20 was deleted to allow for modification to the measurements of the test materials.
- Step 2.2.1 was modified to make clear that the measurements of the test material mentioned in TB 117-2013 differed from that mentioned in ASTM step 20.1.
- Step 2.2.2 was added to make clear that the measurement of the Standard Type II cover fabric mentioned in TB 117-2013 differed from that mentioned in ASTM step 20.2.

### 2.3 Test Procedures:

- New step 2.3.1 (same as ASTM step 21.1) was added for easier to follow directions.
- New step 2.3.2 was added to make clear that the measurement of the cover fabric mentioned in TB 117-2013 differed from that mentioned in ASTM step 21.2.
- The instruction was modified to name the correct version of the ASTM standard which is “ASTM E1353-08a<sup>ε1</sup>”. The instruction was also modified to clarify that the ASTM test procedures are to be followed beginning with step 21.3 rather than step 21.1.
- The former step 2.3.1 was deleted to remove the reference to the draft enclosure from the standard.
- The former step 2.3.2 was renumbered to 2.3.3. The typographical errors and reorder of the measurements were corrected as mentioned above in step 1.3.2.
- The former step 2.3.3 was renumbered to Step 2.3.4.
- Step 2.3.4 was deleted to remove the requirement that the maximum char length is to be measured in all directions. Instead ASTM step 21.9 is to be followed in its entirety which requires the char length to be measured in a vertical direction.

### 2.4 Pass/Fail Criteria:

- Step 1(b) was modified to make specific that the pass or fail of test specimen would be determined by measuring the vertical char length instead of measuring in any direction.
- Step 5 was added back into the Pass/Fail Criteria as the correct numbering of the section was deleted in error.

## Section 3. Resilient Filling Material Test

### 3.2 Weighing Device:

- Subsection 3.2 was deleted to remove the reference to the weighing device from the standard.

### 3.3 Test Specimen:

- 3.3 Test Specimen was renumbered to 3.2 Test Specimen
- The initial instruction was modified to name the correct version of the ASTM standard which is “ASTM E1353-08a<sup>ε1</sup>”.
- Step 3.3.1 was renumbered to 3.2.1.
- Step 3.3.2 was renumbered to 3.2.2.
- Step 3.3.3 was renumbered to 3.2.3. Also, the typographical errors relating to the measurement of the filling material thickness was corrected from 1.27 mm to 12.7 mm.

- Step 3.3.4 was deleted to remove the requirement relating to the weighing and recording of the test specimen.
- A note was added to specify how to measure and read the thickness of the test materials.

#### 3.4 Test Procedure:

- 3.4 Test Procedure was renumbered to 3.3 Test Procedure.
- The initial instruction was modified to name the correct version of the ASTM standard which is “ASTM E1353-08a<sup>ε1</sup>”.
- Step 3.4.1 was deleted to remove the reference to the draft enclosure from the standard.
- Step 3.4.2 was renumbered to 3.3.1. The typographical errors and reorder of the measurements were corrected as mentioned above in step 1.3.2.
- Step 3.4.3 was renumbered to 3.3.2 and “ASTM E1353-08a” was modified to “ASTM E1353-08a<sup>ε1</sup>” to correct the version of the ASTM standard referenced in this section.
- Step 3.4.4 was renumbered to 3.3.3.
- Step 3.4.5 was renumbered to 3.3.4.
- Steps 3.4.6 and 3.4.7 were deleted as the pass/fail criteria will no longer be determined based on the percentage of mass loss but by the maximum char length.

#### 3.4 Pass/Fail Criteria:

- Step 1 (a), (b), and (c) was modified to add a time limit of 45 minutes to the test duration and to make specific that the pass or fail of test specimen would be determined by measuring the vertical char length instead of measuring the percentage of mass loss.
- Step 5 was added back into the Pass/Fail Criteria as the correct numbering of the section was deleted in error.

### New - Section 4. Decking Material Test

#### 4.1 Scope:

- This subsection defines the purpose of the decking material test method as it is performed in this section.

#### 4.2 Test Specimen:

- This step incorporates by reference the test specimen procedures found in the ASTM Section 18 steps 18.1 and 18.2.

#### 4.3 Test Procedure:

- The initial instruction incorporates by reference the test procedures of ASTM Section 19 – steps 19.1 through 19.6.
- Step 4.3.1 and 4.3.2 specifies the procedures to be taken prior to the beginning of the test.

#### 4.4 Pass/Fail Criteria:

- The steps 1 through 5 specify the basis for the pass or fail determination of the test specimen.

#### Annex A:

- Note 2 of Annex A and Figure A-1. Draft Enclosure were deleted to remove reference to the draft enclosure from the standard.
- Note 3 was renumbered to Note 2.

#### Annex B:

- A statement was added to clarify that the Bureau may certify substitutes for the SRM 1196 as it deems appropriate.
- The Standard Polyurethane Substrate specifications were modified and reflect that the specifications are to be based on physical test methods described in ASTM-D3574-08, instead of ASTM-D3574.
- The Sheeting Material section was modified to make grammatical changes relating to the laundering of the sheeting material before its use.
- The Laundering Procedure was added so that consistent washing and drying methods are used.

#### Annex C:

- Figure C-1 was modified to include additional measurements and to change the order that the measurements are read for consistency.
- The Removable Panel measurements were modified to correct typographical errors.
- Figure C-5 was added to specify the size requirement of the decking material tester.
- Figure C-6 was added to provide an example of the mock-up assembly for the smoldering ignition resistance test.

#### Precision and Bias:

- This section was added to provide a statistical analysis of the results from the interlaboratory study performed on the standard.

Legend for the Modified Proposed Language:  
 Deleted text is indicated by ~~strikethrough~~.  
 Added text is indicated by underlining.  
 Previous additions which are now being deleted are indicated  
 by ~~underlining and strikethrough~~.  
 New additions are indicated by double underlining.

### **Modified Proposed Language**

**Amend section 1126 of Article 2 to read as follows:**

**1126. Official Law Label Requirements.**

- (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 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No.

117-2013, dated ~~March 2000~~ January June 2013 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 ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION 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 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, dated ~~March 2000~~ January June 2013 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 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation 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.

Type No. 1

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

(Space for Stitching)		<b>(WHITE LABEL)</b>  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 less than one-eighth inch high.  Name and address of vendor or manufacturer optional.
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.		
<b>ALL NEW MATERIAL</b> consisting of		
(This space for revenue stamp when required)	Registry No.  Certification is made by the manufacturer that the materials in this article are described in accordance with law.	
Name and address of vendor or manufacturer		

## Type No. 2

For articles of furniture with loose cushions.

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

## Type No. 3

For owner's own materials.

<i>(Space for Stitching at top or bottom)</i>		(GREEN LABEL)
<b>UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.</b>		
This Article Not For Sale <b>OWNER'S MATERIAL</b> 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		Minimum type size one-eighth inch in height, in capital letters.
ALL NEW MATERIAL _____		
Renovated or repaired by: _____		Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.
Registry No. _____ Date _____		This space optional.
Owner:		
Address:		
<i>(Space for Stitching at top or bottom)</i>		



## Type No. 4

For bulk filling materials such as batting and pads.

Space for stitching or typing  
(method optional)

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.

Insert description of  
filling materials by  
clearly imprinting in  
English, using  
capital letters not  
less than one-eighth  
inch high.

Net Wt. \_\_\_\_\_

Certification is made by the manufacturer  
that the materials in this article are  
described in accordance with law.

REGISTRY NO. \_\_\_\_\_

Name and address of vendor  
or manufacturer

This space optional.

## Type No. 5

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.

Insert description of  
filling materials by  
clearly imprinting in  
English, using  
capital letters not  
less than one-eighth  
inch high.

REGISTRY NO. \_\_\_\_\_

Certification is made by the manufacturer  
that the materials in this article are  
described in accordance with law.

Name and address of vendor  
or manufacturer

This space optional.

## Type No. 6

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

(Space for Stitching)

(WHITE LABEL)

UNDER PENALTY OF LAW THIS TAG  
NOT TO BE REMOVED EXCEPT BY THE  
CONSUMER.

**ALL NEW MATERIAL  
consisting of**

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  
less than one-eighth  
inch high.

Finished Size \_\_\_\_\_

Registry No. \_\_\_\_\_

Certification is  
made by the  
manufacturer  
that the  
materials in  
this article are  
described in  
accordance  
with law

Name and address of vendor  
or manufacturer

This space optional.

## Type No. 7

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)

UNDER PENALTY OF LAW THIS TAG  
NOT TO BE REMOVED EXCEPT BY THE  
CONSUMER.

**ALL NEW MATERIAL**  
consisting of

Finished Size      Net Wt. of Filling Mat'l

Registry No.

Certification is made by the manufacturer that the materials in this article are described in accordance with law

Name and address of vendor or manufacturer

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 less than one-eighth inch high.

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.

○

Space for stitching or typing.  
(Method optional)

UNDER PENALTY OF LAW THIS TAG  
NOT TO BE REMOVED EXCEPT BY THE  
CONSUMER.

**ALL NEW MATERIAL**

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 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 117-2013

REGISTRY NO. \_\_\_\_\_

Name and address of vendor or manufacturer

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 less than one-eighth inch high.

This space optional.

## Type No. 9

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	<b>(Red Label)</b>  Minimum type size one- eighth inch in height, in capital letters.  Insert description of any newly added filling materials
<b>THIS PRODUCT CONTAINS          SECONDHAND (USED)          FILLING MATERIALS</b>	
Finished                      Net Wgt. Of Filling Size _____ Mat'l _____ lbs.	
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. Fire Resistant, Flame Resistant, Flame Retardant.**

- (a) ~~On and after July 1, 2014, Filling materials and cover fabrics labeled as "fire resistant," "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 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 January 2013 which is incorporated by reference. This section shall not apply to articles of furniture manufactured prior to July 1, 2014.~~
- (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.**

On and after July 1, 2014 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 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~~ January June 2013 which is incorporated by reference. This section shall not apply to flexible polyurethane foam manufactured prior to ~~July 1, 2014~~ 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.**

- (a) On and after July 1, 2014 January 1, 2015, All 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~~ January June 2013 and be labeled in accordance with Section 1374.3. This section shall not apply to filling materials and cover fabric manufactured prior to ~~July 1, 2014~~ 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 Home Furnishings 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~~ All 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 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 either comply with the requirements of section 1374(a) ~~and may comply with~~ or 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.

**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 mattresses, infant mattress pads, 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 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>	<u>Description</u>	<u>Range of Fines</u>
<b>Article 1. General Provisions.</b>		
1108	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
<b>Article 2. Official Law Labels for Upholstered Furniture and Bedding and Bulk Filling Materials.</b>		
1125	Labeling Requirements	100 to 1,000
1126	Official Law Label Requirements	100 to 1,000
<b>Article 2.5. Universal Filling Requirements.</b>		
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
<b>Article 3. Universal Definitions and Labeling.</b>		
1135	Terms of Definition and Label Requirements	100 to 1,000
1137	Care Instructions	100 to 1,000
<b>Article 5. Plumage Regulations.</b>		
1192.1	Plumage Products - Comply with Federal Standards	100 to 1,000
<b>Article 9. Sanitization Regulations.</b>		
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.**

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 Outlet	200 to 2,000
1309.1	Factory Sales	200 to 2,000
1309.2	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
1316	Secondhand Merchandise	200 to 2,000

**Article 12. Liquid-Filled Bedding Regulation**

1351	Official Law Labels (waterbeds)	100 to 1,000
1353	Information Label (waterbeds)	100 to 1,000
1354	Water Mattress (waterbeds)	100 to 1,000
1355	Waterbed Lines (waterbeds)	100 to 1,000
1356	Waterbed Frames (waterbeds)	100 to 1,000
1356.1	Waterbed Frame Addition (waterbeds)	100 to 1,000
1356.2	Waterbed Deck (waterbeds)	100 to 1,000
1356.3	Waterbed Riser (waterbeds)	100 to 1,000
1357	Waterbed Heaters (waterbeds)	100 to 1,000
1358	Quality Control (waterbeds)	100 to 1,000
1359	Manufacturing Facilities (waterbeds)	100 to 1,000
1360	Required Consumer Information (waterbeds)	100 to 1,000

**Article 13. Flammability Regulations**

<del>1370</del>	<del>Flame Resistant, Flame Retardant</del>	<del>250 to 2,500</del>
1371	Mattresses	250 to 2,500
1373.1	Non-Flame Retardant Polyurethane Foam	250 to 2,500
1373.2	Flammability; Flexible Polyurethane Foam	250 to 2,500
1374	Flammability; Upholstered and Reupholstered Furniture	250 to 2,500
<del>1374.1</del>	<del>Exemptions</del>	<del>250 to 2,500</del>
1374.3	Labeling	100 to 1,000

**Article 14. Custom Upholsterers.**

1375	Oral Consent to Revision of Estimate and/or Work Order	150 to 1,500
1377	Estimate and Work Order Form Requirements	150 to 1,500

## **Business and Professions Code Section**

### **Article 3. Licensing.**

19060	Separate license for each branch house	150 to 1,500
19060.5	On his own account	150 to 1,500
19060.6	Contracts for repair of furniture and bedding	150 to 1,500
19061	One address, multiple names	150 to 1,500
19062	Posting of license	100 to 1,000

### **Article 4. Application of Chapter.**

19071	Sanitization	100 to 1,000
19072	Compliance with chapter defined	150 to 1,500
19072.5	Responsibility for labeling	100 to 1,000
19072.6	Labeling of slip seats	100 to 1,000

### **Article 5. Labeling.**

19080	Law label	100 to 1,000
19083	Attaching labels	100 to 1,000
19084	Printing on one side	100 to 1,000
19085	Advertising on label	100 to 1,000
19086	Covering label	100 to 1,000
19087	Removal of labels	250 to 2,500
19088	Misleading information on labels	200 to 2,000
19089.3	Waterbed labels	100 to 1,000
19089.5	Non fire retardant material label	250 to 2,500
19092	Secondhand material label	100 to 1,000
19093	Custom Upholster label	100 to 1,000

### **Article 6. Sanitization.**

19121	Resale of soiled bedding	100 to 1,000
19122	Testing of sanitization equipment	100 to 1,000
19123.4	Sanitization of secondhand filling	100 to 1,000
19123.5	Sanitization for resale	100 to 1,000
19123.6	Sanitization of secondhand bedding	100 to 1,000
19124	Sanitization in accordance with regulations	100 to 1,000
19124.5	Affixing sanitization label	100 to 1,000
19127.5	Illegal possession of sanitization label	100 to 1,000
19127.6	Sanitizer label records	100 to 1,000
19129	Sanitization of secondhand bedding	100 to 1,000
19131	Sanitization of bedding contagious disease	250 to 2,500
19132	Separation of sanitized items from unsanitized items	100 to 1,000

### **Article 7. Regulations.**

19150	False advertising	200 to 2,000
19151	Misleading illustrations	200 to 2,000
19152	Unconditional warranties	200 to 2,000
19158	Custom upholsterer ID label	100 to 1,000
19160	Cleanliness of premises	100 to 1,000
19161	Fire retardant requirements	250 to 2,500



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 9. Enforcement.**

19204	Removal of Withhold tag	250 to 2,500
19205	Failure to produce withheld products	250 to 2,500
19206	Interference with an inspector's duties	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.