

106TH CONGRESS
1ST SESSION

H. R. 2486

To provide for infant crib safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1999

Mrs. TAUSCHER (for herself, Mr. GREENWOOD, Mr. BARRETT of Wisconsin, Ms. CARSON, Mr. ENGLISH, Mr. FARR of California, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. KUCINICH, Ms. LEE, Mrs. MALONEY of New York, Ms. MILLENDER-MCDONALD, Mrs. MORELLA, Ms. NORTON, Ms. PELOSI, Mr. RANGEL, Mr. SANDLIN, Mr. THOMPSON of Mississippi, Mrs. THURMAN, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To provide for infant crib safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Infant Crib Safety
5 Act.”.

6 **SEC. 2. FINDINGS, PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) The disability and death of infants resulting
9 from injuries sustained in crib incidents are a seri-

1 ous threat to the public health, welfare, and safety
2 of people of this country.

3 (2) The design and construction of a baby crib
4 must ensure that it is safe to leave an infant unat-
5 tended for extended periods of time. A parent or
6 caregiver has a right to believe that the crib in use
7 is a safe place to leave an infant.

8 (3) Each year more than 9,000 children ages 4
9 and under are injured in cribs seriously enough to
10 require hospital treatment.

11 (4) Each year at least 45 children ages 4 and
12 under die from injuries sustained in cribs.

13 (5) The United States Consumer Product Safe-
14 ty Commission estimates that the cost to society re-
15 sulting from deaths due to cribs is 225 million dol-
16 lars per year.

17 (6) Secondhand, hand-me-down, and heirloom
18 cribs pose a special problem. There are nearly 4 mil-
19 lion infants born in this country each year, but only
20 one million new cribs sold. As many as 2 out of 4
21 infants are placed in secondhand, hand-me-down, or
22 heirloom cribs.

23 (7) Most crib deaths occur in secondhand,
24 hand-me-down, or heirloom cribs.

1 (8) Existing State and Federal legislation is in-
2 adequate to deal with the hazard presented by sec-
3 ondhand, hand-me-down, or heirloom cribs .

4 (9) Prohibiting the contracting to sell, resell,
5 lease, sublease of unsafe cribs which are not new, or
6 otherwise place in the stream of commerce unsafe
7 secondhand, hand-me-down, or heirloom cribs, will
8 prevent injuries and deaths caused by cribs.

9 (b) PURPOSES.—The purpose of this Act is to pre-
10 vent the occurrence of injuries and deaths to infants as
11 a result of unsafe cribs by making it illegal to manufac-
12 ture, sell, or contract to sell any crib which is unsafe for
13 any infant using the crib and to resell, lease, sublet, or
14 otherwise place in the stream of commerce, after the effec-
15 tive date of this Act, any crib which is not new and which
16 is unsafe for any infant using the crib.

17 **SEC. 3. DEFINITIONS.**

18 As used in this title:

19 (1) INFANT.—The term “infant” means any
20 person less than 35 inches tall or less than 2 years
21 of age.

22 (2) CRIB.—The term “crib” means a bed de-
23 signed to provide a sleeping accommodation for an
24 infant.

1 (3) FULL-SIZE CRIB.—The term “full-size crib”
2 means a full-size crib as defined in section 1508.1
3 of title 16 of the Code of Federal Regulations and
4 regarding the requirements for full-size cribs.

5 (4) NON FULL-SIZE CRIB.—The term “non-full
6 size crib” means a non-full size crib as defined in
7 section 1509.2(b) of title 16 of the Code of Federal
8 Regulations and American Society for Testing Mate-
9 rials Voluntary Standards F. 1822 regarding the re-
10 quirements for non full-size cribs.

11 (5) COMMERCIAL USER.—The term “commer-
12 cial user” means any person—

13 (A) who manufactures, sells, or contracts
14 to sell full-size or non full-size cribs; or

15 (B) who deals in full-size or non full-size
16 cribs which are not new or who otherwise by
17 one’s occupation holds oneself out as having
18 knowledge or skill peculiar to the full-size or
19 non full-size cribs, including child care facilities
20 and family child care homes, or any person who
21 is in the business of contracting to sell or resell,
22 lease, sublet, or otherwise placing in the stream
23 of commerce full-size or non full-size cribs
24 which are not new.

1 **SEC. 4. PROHIBITIONS.**

2 (a) IN GENERAL.—It shall be unlawful for any com-
3 mercial user—

4 (1) to manufacture, sell, or contract to sell, on
5 or after the effective date of this Act, any full-size
6 or non full-size crib which is unsafe for any infant
7 using the crib; or

8 (2) to sell, contract to sell or resell, lease, sub-
9 let, or otherwise place in the stream of commerce, on
10 or after the effective date of this Act, any full-size
11 or non full-size crib which is not new and which is
12 unsafe for any infant using the crib.

13 (b) LODGINGS.—It shall be unlawful for any hotel,
14 motel and similar transient lodging facility to offer or pro-
15 vide for use or otherwise place in the stream of commerce,
16 on or after the effective date of this Act, any full-size or
17 non full-size crib which is unsafe for any infant using the
18 crib.

19 **SEC. 5. CRIB STANDARDS.**

20 A crib shall be presumed to be unsafe under this Act
21 if it does not conform to all of the following:

22 (1) Part 1508 (commencing with section
23 1508.1) of title 16 of the Code of Federal Regula-
24 tions;

1 (2) Part 1509 (commencing with section
2 1509.1) of title 16 of the Code of Federal Regula-
3 tions;

4 (3) Part 1303 (commencing with section
5 1303.1) of title 16 of the Code of Federal Regula-
6 tions;

7 (4) American Society for Testing Materials Vol-
8 untary Standards F966;

9 (5) American Society for Testing Materials Vol-
10 untary Standards F1169;

11 (6) American Society for Testing Materials Vol-
12 untary Standards F1822; and

13 (7) Any regulations that are adopted in order
14 to amend or supplement the regulations described in
15 paragraphs (1) through (6) of this section.

16 **SEC. 6. EXCEPTIONS.**

17 A crib that is not intended for use by an infant, in-
18 cluding a toy or display item, shall be exempt from this
19 Act if the crib is accompanied at the time of manufac-
20 turing, contract to sell or resell, leasing, subletting, or oth-
21 erwise placed in the stream of commerce by a notice to
22 be furnished by the commercial user declaring that the
23 crib is not intended to be used for an infant and is dan-
24 gerous to use for an infant.

1 **SEC. 7. ENFORCEMENT.**

2 (a) FINE.—Any commercial user, hotel, motel, or
3 similar transient lodging facility who knowingly violates
4 section 4 is punishable by a fine not exceeding \$1,000.

5 (b) INJUNCTION.—Any person may maintain an ac-
6 tion in a district court of the United States against any
7 commercial user, hotel, motel, or similar transient lodging
8 facility who violates section 4 to enjoin the manufacture,
9 sale, contract to sell, contract to resell, lease, subletting,
10 or otherwise place in the stream of commerce any full-
11 size or non full-size crib which is unsafe for any infant
12 using the crib, and for reasonable attorneys fees and costs.

13 **SEC. 8. REMEDIES.**

14 Fines or other remedies available under this Act are
15 in addition to any other fines, penalties, remedies, or pro-
16 cedures under any other provision of law.

17 **SEC. 9. EFFECTIVE DATE.**

18 This Act shall become effective 90 days from the date
19 of its enactment.

