

108TH CONGRESS
2D SESSION

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

IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2004

Mrs. FEINSTEIN (for herself and Mr. FITZGERALD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 AND PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The disability and death of infants resulting
10 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 11,500 children age 2
9 and under are injured in cribs seriously enough to
10 require hospital treatment.

11 (4) Each year at least 26 children age 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 at least
16 \$150,000,000 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 to two million new cribs sold. Many infants are
21 placed in secondhand, hand-me-down, or heirloom
22 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 contracting to sell, resell, lease,
5 or sublease unsafe cribs that are not new, or other-
6 wise placing in the stream of commerce unsafe sec-
7 ondhand, hand-me-down, or heirloom cribs, will pre-
8 vent injuries and deaths caused by cribs.

9 (b) PURPOSE.—The purpose of this Act is to prevent
10 the occurrence of injuries and deaths to infants as a result
11 of unsafe cribs by making it illegal—

12 (1) to manufacture, sell, or contract to sell any
13 crib that is unsafe for any infant using it; or

14 (2) to resell, lease, sublet, or otherwise place in
15 the stream of commerce, after the effective date of
16 this Act, any unsafe crib, particularly any unsafe
17 secondhand, hand-me-down, or heirloom crib.

18 **SEC. 3. DEFINITIONS.**

19 As used in this Act:

20 (1) COMMERCIAL USER.—

21 (A) IN GENERAL.—The term “commercial
22 user” means any person—

23 (i) who manufactures, sells, or con-
24 tracts to sell full-size cribs or nonfull-size
25 cribs; or

1 (ii) who—

2 (I) deals in full-size or nonfull-
3 size cribs that are not new or who
4 otherwise by one's occupation holds
5 oneself out as having knowledge or
6 skill peculiar to full-size cribs or
7 nonfull-size cribs, including child care
8 facilities and family child care homes;
9 or

10 (II) is in the business of con-
11 tracting to sell or resell, lease, sublet,
12 or otherwise placing in the stream of
13 commerce full-size cribs or nonfull-size
14 cribs that are not new.

15 (B) EXCEPTION.—The term does not in-
16 clude an individual who sells a used crib at a
17 one-time private sale.

18 (2) CRIB.—The term “crib” means a full-size
19 crib or nonfull-size crib.

20 (3) FULL-SIZE CRIB.—The term “full-size crib”
21 means a full-size baby crib as defined in section
22 1508.1 of title 16, Code of Federal Regulations.

23 (4) INFANT.—The term “infant” means any
24 person less than 35 inches tall or less than 2 years
25 of age.

1 (5) NONFULL-SIZE CRIB.—The term “nonfull-
2 size crib” means a nonfull-size baby crib as defined
3 in section 1509.2(b) of title 16, Code of Federal
4 Regulations (including a portable crib and a crib-pen
5 described in paragraph (2) of subsection (b) of that
6 section).

7 **SEC. 4. REQUIREMENTS FOR CRIBS.**

8 (a) MANUFACTURE AND SALE OF CRIBS.—It shall be
9 unlawful for any commercial user—

10 (1) to manufacture, sell, or contract to sell any
11 full-size crib or nonfull-size crib that is unsafe for
12 any infant using it; or

13 (2) to sell, contract to sell or resell, lease, sub-
14 let, or otherwise place in the stream of commerce
15 any full-size or nonfull-size crib that is not new and
16 that is unsafe for any infant using it.

17 (b) PROVISION OF CRIBS BY LODGING FACILITIES.—

18 It shall be unlawful for any hotel, motel, or similar tran-
19 sient lodging facility to offer or provide for use or other-
20 wise place in the stream of commerce, on or after the ef-
21 fective date of this Act, any full-size crib or nonfull-size
22 crib that is unsafe for any infant using it.

23 (c) ADHERENCE TO CRIB SAFETY STANDARDS.—A

24 full-size crib, nonfull-size crib, portable crib, playpen, or
25 play yard shall be presumed to be unsafe under this sec-

1 tion if it does not conform to the standards applicable to
2 such product as follows:

3 (1) Part 1508 (commencing with section
4 1508.1) of title 16, Code of Federal Regulations (re-
5 quirements for full-size baby cribs).

6 (2) Part 1509 (commencing with section
7 1509.1) of title 16, Code of Federal Regulations (re-
8 quirements for nonfull-size baby cribs).

9 (3) American Society for Testing Materials
10 F406 Consumer Safety Specification for Play Yards.

11 (4) American Society for Testing Materials
12 F1169 Consumer Safety Specification for Full-Size
13 Cribs.

14 (5) American Society for Testing Materials
15 F1822 Consumer Safety Specification for Non-Full-
16 Size Cribs.

17 (6) American Society for Testing Materials
18 F966 Consumer Safety Specification for Full-Size
19 and Non-Full-Size Baby Crib Corner Post Exten-
20 sions.

21 (7) Part 1303 (commencing with section
22 1303.1) of title 16, Code of Federal Regulations.

23 (8) Any amendments to the regulations or
24 standards specified in paragraphs (1) through (7),
25 or any other regulations or standards that are

1 adopted in order to amend or supplement the regula-
2 tions or standards specified in such paragraphs.

3 (d) EXCEPTION.—This section shall not apply to a
4 full-size crib or nonfull-size crib that is not intended for
5 use by an infant, including a toy or display item, if at
6 the time it is manufactured, made subject to a contract
7 to sell or resell, leased, sublet, or otherwise placed in the
8 stream of commerce, as applicable, it is accompanied by
9 a notice to be furnished by each commercial user declaring
10 that the crib is not intended to be used for an infant and
11 is dangerous to use for an infant.

12 (e) ENFORCEMENT.—(1) The Consumer Product
13 Safety Commission shall have the power to enforce the
14 provisions of this section as if such provisions were a con-
15 sumer product safety standard promulgated by the Com-
16 mission under the Consumer Product Safety Act (15
17 U.S.C. 2051 et seq.).

18 (2) A violation of this section shall be considered a
19 prohibited act within the meaning of section 19 of the
20 Consumer Product Safety Act (15 U.S.C. 2068), and shall
21 be subject to the penalties and remedies available for pro-
22 hibited acts under the Consumer Product Safety Act.

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act shall become effective 90 days after the date
3 of the enactment of this Act.

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