

110TH CONGRESS
2D SESSION

H. R. 5692

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2008

Mrs. TAUSCHER (for herself, Mr. ROGERS of Michigan, Mr. BLUMENAUER, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. KILDEE, Mr. KUCINICH, and Mr. TOWNS) introduced the following bill; which was referred to the Committee on Energy and 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 AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The disability and death of infants resulting
9 from injuries sustained in crib incidents are a seri-
10 ous threat to the public health, welfare, and safety
11 of people of this country.

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

6 (3) Each year about 12,400 children are in-
7 jured in cribs seriously enough to require emergency
8 room treatment.

9 (4) Each year at least 43 children under the
10 age of 4 die from injuries sustained in cribs.

11 (5) The Consumer Product Safety Commission
12 estimates that the cost to society resulting from
13 deaths due to cribs is at least \$150,000,000 per
14 year.

15 (6) Secondhand, hand-me-down, and heirloom
16 cribs pose a special problem. There are nearly 4 mil-
17 lion infants born in this country each year, but only
18 an estimated one million to two million new cribs
19 sold. Many infants are placed in secondhand, hand-
20 me-down, or heirloom cribs.

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

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

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

6 (b) PURPOSE.—The purpose of this Act is to prevent
7 the occurrence of injuries and deaths to infants as a result
8 of unsafe cribs by making it unlawful—

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

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

15 **SEC. 3. REQUIREMENTS FOR CRIBS.**

16 (a) MANUFACTURE AND SALE OF CRIBS.—It shall be
17 unlawful for any commercial user to manufacture, sell, re-
18 sell, lease, or otherwise place in the stream of commerce,
19 any full-size or nonfull-size crib that—

20 (1) was manufactured before 1999;

21 (2) does not conform to the safety standards
22 described in subsection (c); or

23 (3) has any missing, loose, or broken compo-
24 nents.

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

2 It shall be unlawful for any hotel, motel, or similar tran-
3 sient lodging facility to offer or provide for use or other-
4 wise place in the stream of commerce, on or after the ef-
5 fective date of this Act, any full-size crib or nonfull-size
6 crib that—

7 (1) was manufactured before 1999;

8 (2) does not conform to the safety standards
9 described in subsection (c); or

10 (3) has any missing, loose, or broken compo-
11 nents.

12 (c) CRIB SAFETY STANDARDS.—A full-size or
13 nonfull-size crib that is not in compliance with the fol-
14 lowing safety standards shall be considered to be a banned
15 hazardous product under section 8 of the Consumer Prod-
16 uct Safety Act (15 U.S.C. 2057):

17 (1) Part 1508 of title 16 of the Code of Federal
18 Regulations (requirements for full-size baby cribs).

19 (2) Part 1509 of title 16 of the Code of Federal
20 Regulations (requirements for nonfull-size baby
21 cribs).

22 (3) American Society for Testing Materials
23 F406-07 Standard Consumer Safety Specification
24 for Non-Full Size Baby Cribs/Play Yards.

1 (4) American Society for Testing Materials
2 F1169 Standard Specification for Full-Size Baby
3 Crib.

4 (5) American Society for Testing and Materials
5 F966-00 Consumer Safety Specification for Full-
6 Size and Non-Full Size Baby Crib Corner Post Ex-
7 tensions.

8 (6) Part 1303 of title 16 of the Code of Federal
9 Regulations.

10 (7) Any amendments to the above regulations
11 or standards or any other regulations or standards
12 that are adopted in order to amend or supplement
13 the regulations or standards described in paragraphs
14 (1) through (6).

15 The Consumer Product Safety Commission shall have the
16 power to enforce the provisions of this section in the same
17 manner that the Commission enforces rules declaring
18 products to be banned hazardous products.

19 (d) EXCEPTION.—These requirements shall not apply
20 to a full-size crib or nonfull-size crib that is not intended
21 for use by an infant, including a toy or display item, if
22 at the time it is manufactured, made subject to a contract
23 to sell or resell, leased, or otherwise placed in the stream
24 of commerce, as applicable, it is accompanied by a notice
25 to be furnished by each commercial user declaring that

1 the crib is not intended to be used for an infant and is
2 dangerous to use for an infant.

3 **SEC. 4. DURABILITY TEST REQUIREMENTS FOR CRIBS.**

4 Not later than 90 days after the date of enactment
5 of this Act, the Consumer Product Safety Commission
6 shall begin a rulemaking to revise parts 1508 and 1509
7 of title 16, Code of Federal Regulations, to—

8 (1) include the safety requirements specified in
9 paragraphs (3) through (5) of section 3(c), or any
10 successor standards thereto; and

11 (2) address any potential hazards due to dura-
12 bility exhibited by cribs and play yards, taking into
13 consideration—

14 (A) the Underwriters Laboratories stand-
15 ard UL-2275 for full-size baby cribs; and

16 (B) the standards set forth in the Cribs
17 and Cradle Regulations established by the De-
18 partment of Justice of Canada, issued Sep-
19 tember 11, 1986 (SOR/86-962).

20 **SEC. 5. SOFT BEDDING WARNING LABELS.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Consumer Product Safety Commission
23 shall promulgate a consumer product safety rule pursuant
24 to section 7 of the Consumer Product Safety Act (15
25 U.S.C. 2056) to require that all cribs manufactured and

1 introduced into interstate commerce contain a warning
2 label affixed to the crib in a conspicuous location warning
3 consumers against the use of soft bedding for infants
4 placed in the crib, including bumper pads, quilts, blankets,
5 pillows, and sleep positioners.

6 **SEC. 6. DEFINITIONS.**

7 As used in this Act, the following definitions apply:

8 (1) COMMERCIAL USER.—

9 (A) The term “commercial user” means—

10 (i) any person who manufactures,
11 sells, or contracts to sell full-size cribs or
12 nonfull-size cribs; or

13 (ii) any person who—

14 (I) deals in full-size or nonfull-
15 size cribs that are not new or who
16 otherwise by one’s occupation holds
17 oneself out as having knowledge or
18 skill peculiar to full-size cribs or
19 nonfull-size cribs, including child care
20 facilities and family child care homes;
21 or

22 (II) is in the business of con-
23 tracting to sell or resell, lease, sublet,
24 or otherwise placing in the stream of

1 commerce full-size cribs or nonfull-size
2 cribs that are not new.

3 (B) The term “commercial user” does not
4 mean an individual who sells a used crib at a
5 one-time private sale.

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

8 (3) FULL-SIZE CRIB.—The term “full-size crib”
9 means a full-size baby crib as defined in section
10 1508.1 of title 16 of the Code of Federal Regula-
11 tions.

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

15 (5) NONFULL-SIZE CRIB.—The term “nonfull-
16 size crib” means a nonfull-size baby crib as defined
17 in section 1509.2(b) of title 16 of the Code of Fed-
18 eral Regulations (including a portable crib and a
19 crib-pen described in paragraph (2) of subsection (b)
20 of that section).

21 (6) SLEEP POSITIONER.—The term “sleep posi-
22 tioner” means any wedge, roll, prop, or pillow de-
23 signed to encourage one position during sleep.

1 **SEC. 7. EFFECTIVE DATE.**

2 The requirements of section 3 of this Act shall be
3 effective 1 year after the date of enactment of this Act

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