

CHAPTER 183

AN ACT concerning used mattresses and amending and supplementing chapter 10 of Title 26 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.26:10-19 Findings, declarations relative to used mattresses, box springs.

1. The Legislature finds and declares that:

a. Bedbugs are small insects with flat bodies, antennae and small eyes; adult bedbugs are oval, wingless and rusty-red in color and are visible to the naked eye, and often hide in cracks and crevices; in homes, bedbugs are commonly found in areas where people sleep, concentrating in mattresses, box springs, and bed frames; bedbugs feed primarily on the blood of humans, usually at night when people are sleeping;

b. According to a joint statement issued by the United States Centers for Disease Control and Prevention and the United States Environmental Protection Agency, bedbugs have been common throughout United States history; although bedbug populations dropped dramatically during the mid-20th century, the United States is one of many countries now experiencing an alarming resurgence in the population of bedbugs, and public health agencies across the country have been overwhelmed by complaints about bedbugs;

c. According to the New Jersey Department of Health, in most cases, bedbugs are transported from infested areas to non-infested areas when they cling onto a person's clothing, or crawl into luggage, furniture, or bedding that is then brought into the home; if a mattress is contaminated with bedbugs, it is easy for bedbugs to spread to non-contaminated items that are within close proximity;

d. Although bedbugs are not known to transmit disease, they are considered to be an extreme nuisance to the general public and can cause a variety of negative physical and mental health concerns and economic consequences; and

e. To help curtail widespread infestation of bedbugs, it is necessary to take measures to prevent cross-contamination of bedbugs from used mattresses and box springs to other furniture or bedding.

C.26:10-20 Requirements for lease, sale, delivery, consignment of used mattresses, box springs.

2. a. No person shall sell, lease, offer to sell, lease or deliver, or consign in sale or lease, or possess with intent to sell, lease, deliver, or consign in sale or lease, a used mattress or box spring unless that mattress or box spring is encased in plastic, polyethylene film, or similar material designed to prevent the transfer of insects or other contaminants.

b. No person shall sell a used mattress or box spring unless that mattress or box spring has been cleaned and disinfected using a reasonable process approved by the Commissioner of Health.

3. R.S.26:10-3 is amended to read as follows:

Contents, color of label; "secondhand" defined.

26:10-3. The label required by R.S.26:10-2 shall:

a. If the materials used in the manufacture of the article to which it is to be attached are entirely new, contain the following statement:

"The materials used in the manufacture of this bed spring" (or other article as the case may be) "are entirely new".

b. If the materials used are in whole or in part secondhand, the label shall be yellow in color, and shall contain the following statement:

“The materials used in the manufacture of this bed spring” (or other article as the case may be) “are in whole or in part secondhand”; which statement must be followed by a specific enumeration and description of the secondhand materials used.

The term “secondhand” as here used shall include any material which has been used before in any of the articles above enumerated or in any article of household or wearing apparel, however afterwards treated.

4. R.S.26:10-6 is amended to read as follows:

“Mattress,” “box spring” defined.

26:10-6. The term "mattress" as used in this article shall be construed to mean any quilted pad, mattress, mattress pad, bunk quilt, or cushion stuffed or filled with wool, hair, or other soft material, except feathers, to be used on a couch or other bed for sleeping or reclining purposes.

The term "box spring" as used in this article shall be construed to mean any bed base, typically consisting of a wooden frame, covered in cloth and containing springs.

5. R.S.26:10-9 is amended to read as follows:

Labeling requirements.

26:10-9. No person shall, directly or indirectly, at wholesale or retail, or otherwise, sell, lease, offer to sell or lease, or consign in sale or lease, or have in possession with intent to sell or lease, or consign in sale or lease, any mattress that shall not have plainly and indelibly written or printed thereon, or upon a plain muslin or linen label securely sewed to the covering thereof, a statement in the English language containing the items required by R.S.26:10-10 to R.S.26:10-12. This label shall not be less than three by four and a half inches in size and shall be yellow in color if the label is for a mattress which was used in whole or in part or contains any material which was used prior to any sale, lease, or consignment.

6. R.S.26:10-12 is amended to read as follows:

Labeling secondhand mattress, box spring.

26:10-12. In addition to the requirements of R.S.26:10-10, every secondhand mattress and box spring shall have printed on the yellow label in the manner prescribed in R.S.26:10-10 the following:

- a. Date of sterilization and disinfection for bedbugs and other contaminants.
- b. Name of person performing same.
- c. Address of person performing same.

7. R.S.26:10-17 is amended to read as follows:

Each mattress, box spring separate offense.

26:10-17. The unit for a separate and distinct offense in violation of this article shall be each and every mattress and box spring made, remade, renovated, sold, offered for sale,

delivered, consigned, or possessed with intent to sell, deliver or consign, contrary to the provisions of this article.

C.26:10-21 Regulations.

8. The Commissioner of Health may promulgate regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

9. This act shall take effect on the 60th day after the date of enactment.

Approved January 11, 2016.