

Mattresses, Bed Springs, Cots, Lounges and Sofas

N.J.S. 26:10-1 through 21 (2015)

26:10-1. Forbidden material in manufacture

No cotton, wool or other material which has been used in, or has formed part of, any mattress, bed spring, cot, lounge, or sofa used in or about a public or private hospital, or about any person having a contagious or infectious disease shall be used, in whole or in part, in the manufacture of any bed spring, cot, lounge or sofa.

26:10-2. Labeling required

No bed spring, cot, lounge, or sofa which is not labeled as provided in sections 26:10-3 and 26:10-4 of this title, or which is falsely labeled, shall be sold, or offered for sale, delivered, or held in possession with intent to sell or deliver.

26:10-3. Contents, color of label; "secondhand" defined

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.

amended 2015, c.183, s.3.

26:10-4. Form of label

The label shall be in the form of a cloth tag, not less than two and one-half by three inches, which shall be sewed or otherwise securely attached to the article. The statements required by section 26:10-3 of this title shall be in plain print, in the English language, and in large type.

26:10-5. Violation; misdemeanor

Any person violating any of the provisions of this article shall be guilty of a misdemeanor.

26:10-6. "Mattress," "box spring" defined

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.

amended 2015, c.183, s.4.

26:10-7. Forbidden material in manufacture

No person shall use in the making, remaking, or renovating of any mattress:

a. Any material of any kind that has been used in, or has formed a part of, any mattress, bed spring, cot, lounge, or sofa, used in or about a public or private hospital or for or about any person having a contagious or infectious disease;

b. Any material known as "shoddy", and made in whole or in part from old or worn clothing, carpets or other fabric, or material previously used, or any other fabric or

material from which shoddy is constructed;
or

c. Any material, not otherwise prohibited by this article, of which prior use has been made, unless the material has been thoroughly sterilized and disinfected by a reasonable process approved by the state department.

26:10-8. Forbidden sales

No person shall sell, lease, offer to sell, lease or deliver, or consign in sale or lease, or have in his possession with intent to sell, lease, deliver, or consign in sale or lease:

a. Any mattress that has been used for or about any person having a contagious or infectious disease;

b. Any mattress made, remade, or renovated in violation of section 26:10-7 of this title; or

c. Any mattress, not otherwise prohibited by this article, of which prior use has been made, unless since last used it has been thoroughly sterilized and disinfected by a reasonable process approved by the state department.

26:10-9. Labeling requirements

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.

amended 2015, c.183, s.5.

26:10-10. Contents and form of label

The label provided for in section 26:10-9 of this title shall contain the items specified below and be in substantially the following form:

"Official Statement

Material used in filling

Made by

Address

Vendor (or successive vendors)

Address

This article is made in compliance with article 2 of chapter 10 of the title Health and Vital Statistics of the Revised Statutes (s. 26:10-6 et seq.)."

26:10-11. Special labeling requirements

In addition to the requirements of section 26:10-10 of this title every mattress made from new material or from secondhand material, in whole or in part, shall have printed on the label in the manner prescribed therein the following:

"The materials used in the manufacture of this mattress are entirely new (or in whole or in part secondhand, as the case may be)."

26:10-12. Labeling secondhand mattress, box spring

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.

amended 2015, c.183, s.6.

26:10-13. Additional information prohibited

No information other than that specified in this article shall be contained in the statement on the label.

26:10-14. Use of word "felt" on label

The word "felt", or words of like import, shall not be used in the description of materials on the label if there has been used in filling the mattress any material which is not felted and filled in layers, unless the statement shall plainly set forth all the different materials so used.

26:10-15. False description

The description on the label shall not contain any term or designation which is misleading or likely to mislead.

26:10-16. Removing or altering label

No person shall remove, deface, alter, or in any manner attempt the same, or shall cause to be removed, defaced, or altered, any label placed upon any mattress in accordance with the provisions of this article.

26:10-17. Each mattress, box spring separate offense

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.

amended 2015, c.183, s.7.

26:10-18. Penalties, recovery

Any person violating any of the provisions of this article shall be liable to a penalty of not more than one hundred dollars (\$100.00) for each offense, to be recovered in a civil action before the Superior Court or a municipal court; provided, the violation occurs within the territorial jurisdiction of the court.

amended 1953, c.26, s.62; 1991, c.91, s.302.

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.

L.2015, c.183, s.1.

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.

L.2015, c.183, s.2.

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.

L.2015, c.183, s.8