

1 **Bedding, Upholstered Furniture, and Filling Material Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses oversight of bedding, upholstered furniture, and filling material.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies definitions;
- 9 ▶ repeals permitting and registration requirements;
- 10 ▶ moves the enforcement against unlawful acts to the Division of Consumer Protection
- 11 under the Utah Consumer Sales Practices Act;
- 12 ▶ removes certain tagging or similar requirements administered by the Department of
- 13 Agriculture and Food for bedding, upholstered furniture, and filling material; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **4-10-102**, as last amended by Laws of Utah 2021, Chapter 295

22 **4-10-111**, as renumbered and amended by Laws of Utah 2017, Chapter 345

23 **4-10-114**, as enacted by Laws of Utah 2021, Chapter 295

24 **ENACTS:**

25 **13-11-4.5**, Utah Code Annotated 1953

26 **REPEALS:**

27 **4-10-101**, as renumbered and amended by Laws of Utah 2017, Chapter 345

28 **4-10-104**, as last amended by Laws of Utah 2021, Chapter 295

29 **4-10-105**, as last amended by Laws of Utah 2020, Chapter 316

30 **4-10-106**, as last amended by Laws of Utah 2021, Chapter 295

- 31 **4-10-107**, as last amended by Laws of Utah 2021, Chapter 295
 32 **4-10-108**, as renumbered and amended by Laws of Utah 2017, Chapter 345
 33 **4-10-109**, as renumbered and amended by Laws of Utah 2017, Chapter 345
 34 **4-10-110**, as last amended by Laws of Utah 2020, Chapter 316

35

36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **4-10-102** is amended to read:

38

CHAPTER 10. FILL MATERIAL ACT

39 **4-10-102 . Definitions.**

40 As used in this chapter:

41 (1) "Article" means bedding, upholstered furniture, quilted clothing, or filling material.

42 (2) "Bedding" means a:

43 (a) quilted, packing, mattress, or hammock pad; or

44 (b) mattress, boxspring, comforter, quilt, sleeping bag, studio couch, pillow, or cushion
 45 made with a filling material that can be used for sleeping or reclining.

46 (3) "Consumer" means a person who purchases, rents, or leases an article for the article's
 47 intended, everyday use.

48 (4) "Filling material" means cotton, wool, kapok, feathers, down, shoddy, hair, or other
 49 material, or a combination of materials, whether loose or in bags, bales, batting, pads, or
 50 other prefabricated form that is, or can be, used in bedding, upholstered furniture, or
 51 quilted clothing.

52 [~~(5) "Label" means the display of written, printed, or graphic matter upon a tag or upon~~
 53 ~~the immediate container of a bedding, upholstered furniture, quilted clothing, or filling~~
 54 ~~material.]~~

55 [~~(6)~~ (5)(a) "Manufacture" means to make, process, or prepare from new or secondhand
 56 material, in whole or in part, a bedding, upholstered furniture, quilted clothing, or
 57 filling material for sale.

58 (b) "Manufacture" does not include making, processing, or preparing an article described
 59 in Subsection [~~(6)(a)~~ (5)(a) if:

60 (i) a person sells three or fewer of the articles per year; and

61 (ii) the articles are sold by persons who are not primarily engaged in the making,
 62 processing, or preparation of the articles.

63 [~~(7)~~ (6)(a) "New material" means material that has not previously been used in the
 64 manufacture of another article used for any purpose.

- 65 (b) "New material" includes:
- 66 (i) by-products from a textile mill using only new raw material synthesized from a
- 67 product that has been melted, liquified, and re-extruded; and
- 68 (ii) down and feather that has been sterilized in accordance with the department's
- 69 rules made under Sections 4-10-103 and 4-10-113.
- 70 ~~[(8) "Owner's own material" means an article owned or in the possession of a person for the~~
- 71 ~~person's own or a tenant's use that is sent to another person for manufacture or repair.]~~
- 72 ~~[(9)] (7) "Quilted clothing" means a filled garment or apparel, exclusive of trim used for~~
- 73 ~~aesthetic effect, or a stiffener, shoulder pad, interfacing, or other material that is made in~~
- 74 ~~whole or in part from filling material and sold or offered for sale.~~
- 75 ~~[(10)] (8) "Reclaimed" or "reclaimed material" means material that would have otherwise~~
- 76 ~~been disposed of as waste or used for energy recovery, but instead is collected and used~~
- 77 ~~as a material input, in lieu of new primary material, as defined by rule by the department~~
- 78 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~
- 79 ~~[(11)] (9) "Recycled" or "recycled material" means material that has been reprocessed from~~
- 80 ~~reclaimed material by means of an accepted manufacturing process and made into a final~~
- 81 ~~product or into a component for incorporation into a product as defined by rule by the~~
- 82 ~~department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
- 83 ~~Act.~~
- 84 ~~[(12)] (10) "Repair" means to restore, recover, alter, or renew bedding or upholstered~~
- 85 ~~furniture for a consideration.~~
- 86 ~~[(13)] (11) "Retailer" means a person who sells bedding, upholstered furniture, quilted~~
- 87 ~~clothing, or filling material to a consumer for use primarily for personal, family,~~
- 88 ~~household, or business purposes.~~
- 89 ~~[(14)] (12)(a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver,~~
- 90 ~~consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or~~
- 91 ~~filling material.~~
- 92 (b) "Sale" or "sell" does not include a judicial, executor's, administrator's, or guardian's
- 93 sale of an ~~[item]~~ article described in Subsection ~~[(14)(a)] (12)(a)~~.
- 94 ~~[(15)] (13) "Secondhand" means an article or filling material, or portion of an article or~~
- 95 ~~filling material, that has previously been used.~~
- 96 ~~[(16)] (14) "Sterilize" means to disinfect, decontaminate, sanitize, cleanse, or purify as~~
- 97 ~~required by Section 4-10-113.~~
- 98 ~~[(17) "Tag" means a card, flap, or strip attached to an article for the purpose of displaying~~

99 information required by this chapter or under rule made pursuant to it.]

100 [(18)] (15)(a) "Used" means an article that has been sold to a consumer and has left the
101 store.

102 (b) "Used" does not include an article returned to the store[;]

103 [(i) with the article's original tags; and]

104 [(ii)] in the article's original packaging.

105 [(19)] (16) "Upholstered furniture" means portable or fixed furniture, except fixed seats in
106 motor vehicles, boats, or aircraft, that is made in whole or in part with filling material,
107 exclusive of trim used for aesthetic effect.

108 [(20)] (17) "Wholesaler" means a person who offers an article for resale to a retailer or
109 institution rather than a final consumer.

110 Section 2. Section 4-10-111 is amended to read:

111 **4-10-111 . Enforcement -- Inspection authorized -- Samples -- Reimbursement**
112 **for samples -- Warrants.**

113 (1)(a) The department may access public and private premises where articles subject to
114 this chapter are manufactured, repaired, stored, or sold for the purpose of determining
115 compliance with this chapter.

116 (b) For purposes of determining compliance, the department may:

117 (i) open any upholstered furniture, bedding, or quilted clothing to obtain a sample for
118 inspection and analysis of filling material; or

119 (ii) if considered appropriate by the department, take the entire article for inspection
120 and analysis.

121 (c) Upon request, the department shall reimburse the owner or person from whom a
122 sample or article is taken in accordance with this Subsection (1) for the actual cost of
123 the sample or article.

124 [(2) Upon request, the department may review and copy any of the records required under
125 Subsection 4-10-108(2).]

126 [(3)] (2) The department may proceed immediately, if admittance is refused or a record is
127 denied, to obtain an ex parte warrant from the nearest court of competent jurisdiction to
128 allow entry upon the premises for the purpose of making inspections and taking samples
129 or articles.

130 Section 3. Section 4-10-114 is amended to read:

131 **4-10-114 . Use of reclaimed or recycled material.**

132 (1) A person may advertise an [item] article filled with down, down and feather, or feather

133 as "new" if it is manufactured using 100% reclaimed or recycled material, provided that
134 the [tag] person clearly discloses that the [item] article is manufactured using 100%
135 reclaimed or recycled material.

136 (2) The department may, in accordance with Title 63G, Chapter 3, Utah Administrative
137 Rulemaking Act, make rules governing the use of reclaimed or recycled material under
138 this chapter.

139 Section 4. Section **13-11-4.5** is enacted to read:

140 **13-11-4.5 . Bedding, upholstered furniture, quilted clothing, or filling material.**

141 (1) As used in this section:

142 (a) "Article" means bedding, upholstered furniture, quilted clothing, or filling material.

143 (b) "Bedding" means a:

144 (i) quilted, packing, mattress, or hammock pad; or

145 (ii) mattress, boxspring, comforter, quilt, sleeping bag, studio couch, pillow, or
146 cushion made with a filling material that can be used for sleeping or reclining.

147 (c) "Filling material" means cotton, wool, kapok, feathers, down, shoddy, hair, or other
148 material, or a combination of materials, whether loose or in bags, bales, batting, pads,
149 or other prefabricated form that is, or can be, used in bedding, upholstered furniture,
150 or quilted clothing.

151 (d) "Label" means the display of written, printed, or graphic matter on a stamp, tag,
152 label, or other means of identification, or authorized substitute for a stamp, tag, or
153 label, required to be on or affixed to a textile fiber product by the Textile Fiber
154 Products Identification Act, 15 U.S.C. Secs. 70 et seq., or federal regulations.

155 (e)(i) "New material" means material that has not previously been used in the
156 manufacture of another article used for any purpose.

157 (ii) "New material" includes:

158 (A) by-products from a textile mill using only new raw material synthesized from
159 a product that has been melted, liquified, and re-extruded; and

160 (B) down and feather that has been sterilized in accordance with the Department
161 of Agriculture and Food's rules made under Sections 4-10-103 and 4-10-113.

162 (f) "Quilted clothing" means a filled garment or apparel, exclusive of trim used for
163 aesthetic effect, or a stiffener, shoulder pad, interfacing, or other material that is made
164 in whole or in part from filling material and sold or offered for sale.

165 (g) "Repair" means to restore, recover, alter, or renew bedding or upholstered furniture
166 for a consideration.

- 167 (h)(i) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver, consign,
168 lease, or give away any bedding, upholstered furniture, quilted clothing, or filling
169 material.
- 170 (ii) "Sale" or "sell" does not include a judicial, executor's, administrator's, or
171 guardian's sale of an item described in Subsection (1)(h)(i).
- 172 (i) "Secondhand" means an article or filling material, or portion of an article or filling
173 material, that has previously been used.
- 174 (j) "Upholstered furniture" means portable or fixed furniture, except fixed seats in motor
175 vehicles, boats, or aircraft, that is made in whole or in part with filling material,
176 exclusive of trim used for aesthetic effect.
- 177 (2) A supplier may not:
- 178 (a) sell bedding, upholstered furniture, quilted clothing, or filling material as new unless
179 the article is made from new material and properly labeled in accordance with
180 applicable federal law;
- 181 (b) sell bedding, upholstered furniture, quilted clothing, or filling material made from
182 secondhand material that is not properly labeled in accordance with applicable
183 federal law;
- 184 (c) label or sell a used or secondhand article as if the article were a new article;
- 185 (d) use burlap or other material that has been used for packing or baling, or to use any
186 unsanitary, filthy, or vermin or insect infested filling material in the manufacture or
187 repair of an article;
- 188 (e) sell bedding, upholstered furniture, quilted clothing, or filling material that is not
189 properly labeled in accordance with applicable federal law regardless of point of
190 origin;
- 191 (f) use a false or misleading statement, term, or designation on a label required by
192 applicable federal law;
- 193 (g) use a false or misleading label; or
- 194 (h) sell new bedding, upholstered furniture, or quilted clothing with filling material
195 made of down, feather, wool, or hair that has not been properly sterilized.
- 196 (3) A supplier who violates this section commits a deceptive act or practice under
197 Subsection 13-11-4(1).

198 **Section 5. Repealer.**

199 This bill repeals:

200 **Section 4-10-101, Title.**

- 201 Section **4-10-104, Manufacture, repair, or wholesale sale of bedding, upholstered**
- 202 **furniture, quilted clothing, or filling material -- Permit required.**
- 203 Section **4-10-105, Registration -- Permit -- Fees -- Expiration -- Renewal.**
- 204 Section **4-10-106, Unlawful acts specified.**
- 205 Section **4-10-107, Tagging requirements for bedding, upholstered furniture, and filling**
- 206 **material.**
- 207 Section **4-10-108, Seller's representation of a used mattress -- Bedding records required.**
- 208 Section **4-10-109, Use of rubber stamp or stencil authorized -- Conditions for use.**
- 209 Section **4-10-110, Sale of bedding, upholstered furniture, quilted clothing, or filling**
- 210 **material -- Tag, stamp, or stencil required -- Secondhand material to bear tag -- Presumption --**
- 211 **Owner's own material to be tagged.**
- 212 Section 6. **Effective Date.**
- 213 This bill takes effect on May 7, 2025.