

Effective 5/5/2021

4-10-102 Definitions.

As used in this chapter:

- (1) "Article" means bedding, upholstered furniture, quilted clothing, or filling material.
- (2) "Bedding" means a:
 - (a) quilted, packing, mattress, or hammock pad; or
 - (b) mattress, boxspring, comforter, quilt, sleeping bag, studio couch, pillow, or cushion made with a filling material that can be used for sleeping or reclining.
- (3) "Consumer" means a person who purchases, rents, or leases an article for the article's intended, everyday use.
- (4) "Filling material" means cotton, wool, kapok, feathers, down, shoddy, hair, or other material, or a combination of materials, whether loose or in bags, bales, batting, pads, or other prefabricated form that is, or can be, used in bedding, upholstered furniture, or quilted clothing.
- (5) "Label" means the display of written, printed, or graphic matter upon a tag or upon the immediate container of a bedding, upholstered furniture, quilted clothing, or filling material.
- (6)
 - (a) "Manufacture" means to make, process, or prepare from new or secondhand material, in whole or in part, a bedding, upholstered furniture, quilted clothing, or filling material for sale.
 - (b) "Manufacture" does not include making, processing, or preparing an article described in Subsection (6)(a) if:
 - (i) a person sells three or fewer of the articles per year; and
 - (ii) the articles are sold by persons who are not primarily engaged in the making, processing, or preparation of the articles.
- (7)
 - (a) "New material" means material that has not previously been used in the manufacture of another article used for any purpose.
 - (b) "New material" includes:
 - (i) by-products from a textile mill using only new raw material synthesized from a product that has been melted, liquified, and re-extruded; and
 - (ii) down and feather that has been sterilized in accordance with the department's rules made under Sections 4-10-103 and 4-10-113.
- (8) "Owner's own material" means an article owned or in the possession of a person for the person's own or a tenant's use that is sent to another person for manufacture or repair.
- (9) "Quilted clothing" means a filled garment or apparel, exclusive of trim used for aesthetic effect, or a stiffener, shoulder pad, interfacing, or other material that is made in whole or in part from filling material and sold or offered for sale.
- (10) "Reclaimed" or "reclaimed material" means material that would have otherwise been disposed of as waste or used for energy recovery, but instead is collected and used as a material input, in lieu of new primary material, as defined by rule by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (11) "Recycled" or "recycled material" means material that has been reprocessed from reclaimed material by means of an accepted manufacturing process and made into a final product or into a component for incorporation into a product as defined by rule by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (12) "Repair" means to restore, recover, alter, or renew bedding or upholstered furniture for a consideration.
- (13) "Retailer" means a person who sells bedding, upholstered furniture, quilted clothing, or filling material to a consumer for use primarily for personal, family, household, or business purposes.

(14)

- (a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver, consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling material.
- (b) "Sale" or "sell" does not include a judicial, executor's, administrator's, or guardian's sale of an item described in Subsection (14)(a).

(15) "Secondhand" means an article or filling material, or portion of an article or filling material, that has previously been used.

(16) "Sterilize" means to disinfect, decontaminate, sanitize, cleanse, or purify as required by Section 4-10-113.

(17) "Tag" means a card, flap, or strip attached to an article for the purpose of displaying information required by this chapter or under rule made pursuant to it.

(18)

(a) "Used" means an article that has been sold to a consumer and has left the store.

(b) "Used" does not include an article returned to the store:

- (i) with the article's original tags; and
- (ii) in the article's original packaging.

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

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

Amended by Chapter 295, 2021 General Session