

1 LABELING REQUIREMENTS FOR TYPES OF RETAIL

2 GOODS

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Rebecca P. Edwards

6 Senate Sponsor: Todd Weiler

7

8 LONG TITLE

9 General Description:

10 This bill amends provisions related to labeling certain retail goods.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ provides for alternate disclosure labeling of secondhand goods;
- 14 ▶ provides disclosure requirements; and
- 15 ▶ makes technical changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 None

20 Utah Code Sections Affected:

21 AMENDS:

22 4-10-9, as enacted by Laws of Utah 1979, Chapter 2

23

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

25 Section 1. Section 4-10-9 is amended to read:

26 4-10-9. Sale of bedding, upholstered furniture, quilted clothing, or filling
27 material -- Tag, stamp, or stencil required -- Secondhand material -- Presumption --



28 **Owner's own material to be tagged.**

29 ~~[No]~~ (1) A wholesaler or retailer ~~[shall]~~ may sell ~~[any]~~ bedding, upholstered furniture,
 30 quilted clothing, or prefabricated filling material~~[-, whether the point of origin of such article is~~
 31 ~~inside or outside the state, unless]~~ if it is ~~[appropriately]~~ properly tagged ~~[under]~~, stamped, or
 32 stenciled as required by Section ~~4-10-7~~~~[-, or unless it is appropriately stamped or stenciled~~
 33 ~~under Section 4-10-7]~~ or 4-10-8.

34 ~~[A]~~ (2) Notwithstanding the requirements of Section 4-10-7, a retailer who sells used
 35 articles shall:

36 (a) attach a secondhand material tag to each used article before sale~~[-];~~ or

37 (b) clearly display a disclosure statement as provided in Section (3).

38 (3) The disclosure statement required under Subsection (2)(b) shall:

39 (a) state ~~Ĥ→~~ ~~["ALL ITEMS OFFERED FOR SALE IN THIS ESTABLISHMENT ARE~~
 40 ~~SECONDHAND UNLESS SPECIFICALLY LABELED AS NEW"]~~ "All items offered for sale are
 40a secondhand unless specifically labeled as new" ~~←Ĥ~~ ;

41 (b) be printed:

42 (i) in black ~~Ĥ→~~ ~~[capital]~~ ~~←Ĥ~~ letters using Arial, Calibri, Cambria, or
 42a Times New Roman font no
 43 smaller than 48 point;

44 (ii) on bright yellow paper, at least 8.5 inches by ~~Ĥ→~~ ~~[6.5]~~ 5.5 ~~←Ĥ~~ inches in size; and

45 (c) be displayed at each public entrance and check stand at each retail location.

46 (4) Possession of an article by a person who regularly engages in the manufacture,
 47 repair, wholesale, or supply of such articles is presumptive evidence of intent to sell.

48 (5) (a) A person who repairs "owner's own material" shall immediately upon its receipt
 49 attach an owner's material tag to the article.

50 (b) The tag shall remain attached to the article until it is actually in the process of
 51 repair and shall be reattached upon completion of repair.

Legislative Review Note

as of 2-20-15 9:10 AM

Office of Legislative Research and General Counsel