

SENATE FILE 181

Commerce
Notting, Chairperson
Rodgers
Burroughs

FILED MAR 3 1977

SENATE FILE 181

By TAYLOR

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting the importation, distribution, and
2 sale of flammable interior furnishings and providing
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 181

1 Section 1. NEW SECTION. TITLE. This Act shall be known
2 and may be cited as the "Iowa Flammable Furnishings Act".

3 Sec. 2. NEW SECTION. PURPOSE. It is the policy of this
4 state that because of the severity of losses to life and prop-
5 erty resulting from fires in homes and buildings every effort
6 must be made to prevent such fires whenever possible and to
7 minimize the fire risks inherent in furnishing homes and
8 buildings. It is the purpose of this Act to prohibit within
9 this state the sale, and importation and distribution for
10 sale, of interior furnishings which create a fire hazard
11 because of the materials from which they are manufactured.

12 Sec. 3. NEW SECTION. DEFINITIONS. As used in this Act,
13 unless the context otherwise requires, the following defini-
14 tions shall apply:

15 1. "Interior furnishing" means any type of furnishing
16 made in whole or in part of fabric or related material and
17 intended for use or which reasonably may be expected to be
18 used in homes, offices or other places of assembly or accom-
19 modation.

20 2. "Related material" means paper, plastic, rubber, syn-
21 thetic film, or synthetic foam which is intended for use or
22 which reasonably may be expected to be used in any interior
23 furnishing.

24 3. "Fabric" means any material woven, knitted, felted,
25 or otherwise produced from or in combination with any nat-
26 ural or synthetic fiber, film, or substitute therefor which
27 is intended for use or which reasonably may be expected to
28 be used in an interior furnishing.

29 4. "Flammability standard" means a standard adopted by
30 the United States commerce commission secretary pursuant to
31 the Flammable Fabrics Act, fifteen (15) United States Code,
32 one thousand one hundred ninety-three (1193), relating to
33 the flammability of a fabric, related material, or interior
34 furnishing in which the fabric or related material is used.

35 5. "Flammability label" means a label attached to or re-

1 quired by the United States secretary of commerce to be at-
2 tached to an interior furnishing and which states that the
3 product is flammable or that it fails to meet a flammability
4 standard.

5 Sec. 4. NEW SECTION. PROHIBITED COMMERCE.

6 1. It is a public offense to sell or offer to sell in
7 the state of Iowa any interior furnishing which bears a la-
8 bel stating that the interior furnishing is flammable or that
9 it fails to meet the flammability standard.

10 2. It is a public offense to import into or distribute
11 within the state of Iowa for the purpose of sale any inter-
12 ior furnishing which bears a label stating that the interior
13 furnishing is flammable or that it fails to meet the flam-
14 mability standard.

15 3. A person convicted of violating subsection one (1)
16 or two (2) of this section shall be guilty of a simple mis-
17 demeanor. A person convicted for a second violation of
18 subsection one (1) or two (2) of this section shall be guilty
19 of a serious misdemeanor.

20 Sec. 5. NEW SECTION. REMOVAL OF LABEL PROHIBITED.

21 1. It is a public offense for any person other than the
22 ultimate user of an interior furnishing to intentionally re-
23 move a flammability label from an interior furnishing. Each
24 label so removed constitutes a separate offense. A person
25 convicted of violating this subsection shall be guilty of
26 a simple misdemeanor for each offense.

27 2. It is a public offense for any person to offer to sell
28 or sell, or import or distribute for the purpose of sale,
29 an interior furnishing not bearing a flammability label when
30 the person knows that the flammability label unlawfully has
31 been removed. A person convicted of violating this subsec-
32 tion shall be guilty of a serious misdemeanor.

33 Sec. 6. NEW SECTION. ENFORCEMENT. A criminal action
34 pursuant to this Act shall be brought by the attorney gen-
35 eral or his designee in the county of residence of the de-

1 defendant or in any county in which a violation occurred.

2 Sec. 7. NEW SECTION. FORFEITURE OF CONTRABAND.

3 1. Interior furnishings in commerce within this state
4 and which bear a flammability label are contraband. A peace
5 officer who discovers contraband as defined in this state
6 shall arrest the offender and shall seize or otherwise se-
7 cure into the possession of this state all contraband.

8 2. The officer shall immediately file a complaint against
9 the accused. In addition, the officer shall file with the
10 court a written statement setting forth a brief description
11 of the contraband seized or possessed.

12 3. The court, upon conviction of a person arrested, shall
13 enter an order of forfeiture of the interior furnishings
14 seized or possessed and shall file with the clerk of court
15 a certified transcript of that order. The forfeited goods
16 shall be disposed of as the court directs and any proceeds
17 shall be paid into the general fund of the state.

18 Sec. 8. EFFECTIVE DATE. This Act shall take effect on
19 January 1, 1978.

20 EXPLANATION

21 This bill prohibits the sale or offer to sell, or importa-
22 tion or distribution of interior furnishings which have been
23 labeled flammable or which have a label indicating a failure
24 to meet flammability standards, pursuant to regulation of
25 the United States Department of Commerce. The bill provides
26 criminal penalties for violations, and in addition prohibits
27 the removal of those labels and the knowing sale of interior
28 furnishings from which labels have been removed. Interior
29 furnishings having those labels are declared contraband and
30 are subject to forfeiture on conviction. The attorney gen-
31 eral is responsible for enforcement.

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