

Enrolled House Bill 3379

Sponsored by Representatives SCHOUTEN, REYNOLDS, Senators LIEBER, RILEY; Representatives CAMPOS, DEXTER, NERON, PRUSAK (at the request of Benjamin Hoffman, MD)

CHAPTER

AN ACT

Relating to crib bumper pads; creating new provisions; amending ORS 646A.504 and 646A.506; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 646A.504 is amended to read:
646A.504. As used in ORS 646A.500 to 646A.514:

(1) "Commercial user" means any person, firm, corporation, association or nonprofit corporation, or any agent or employee [*thereof*] **of a person, firm, corporation, association or nonprofit corporation**, including child care facilities or family child care homes certified or registered by the Office of Child Care under ORS 329A.250 to 329A.450, [*who*] **that**:

(a) Deals in cribs of the kind governed by ORS 646A.500 to 646A.514;

(b) By virtue of the person's occupation, purports to have knowledge or skill peculiar to the cribs governed by ORS 646A.500 to 646A.514; [*or*]

(c) Is in the business of remanufacturing, retrofitting, selling, leasing, subletting or otherwise placing cribs in the stream of commerce[.]; **or**

(d) Uses a crib in caring for infants in return for compensation.

(2) "Crib" means:

(a) Any full-size crib as that term is defined in 16 C.F.R. 1508.3; or

(b) Any nonfull-size crib as that term is defined in 16 C.F.R. 1509.2(b).

(3) "Crib bumper pad" means a pad, other than a mesh liner, that rests directly above the mattress in a crib, or that runs along the surface area or any of the interior sides of the crib.

[*(3)*] (4) "Individual" means a natural person who is not a commercial user of cribs.

[*(4)*] (5) "Infant" means an individual who is less than three years of age.

(6) "Place of public accommodation" has the meaning given that term in ORS 659A.400.

SECTION 2. ORS 646A.506 is amended to read:

646A.506. (1) A commercial user may not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet or otherwise place in the stream of commerce:

(a) A crib that is unsafe for an infant using the crib[.]; or

(b) A crib bumper pad.

(2) A crib is presumed to be unsafe pursuant to ORS 646A.500 to 646A.514 if [*it*] **the crib** does not conform to the following standards:

(a) 16 C.F.R. part 1508;

(b) 16 C.F.R. part 1509;

(c) 16 C.F.R. part 1303; and
(d) American Society for Testing Materials Voluntary Standards F966-90, F1169.88, F1822 and F406.

(3) Cribs that are presumed to be unsafe under subsection (2) of this section include but are not limited to cribs with any of the following features or characteristics:

- (a) Corner posts that extend more than one-sixteenth of an inch;
- (b) Spaces between side slats more than two and three-eighths inches;
- (c) Mattress supports that can be easily dislodged from any point of the crib. A mattress support can be easily dislodged if it cannot withstand a 25-pound upward force from underneath the crib;
- (d) Cutout designs on the end panels;
- (e) Rail height dimensions that do not conform to the following:
 - (A) The height of the rail and end panel as measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position is at least nine inches; or
 - (B) The height of the rail and end panel as measured from the top of the rail or panel in its highest position to the top of the mattress support in its lowest position is at least 26 inches;
- (f) Any screws, bolts or hardware that is loose or not secured;
- (g) Sharp edges, points, rough surfaces or any wood surfaces that are not smooth and free from splinters, splits or cracks; [or]
- (h) Cribs with tears in mesh or fabric sides[.]; **or**

(i) Crib bumper pads incorporated into or included with the crib as an accessory.

(4) An individual may not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet or otherwise place in the stream of commerce a crib that is unsafe for an infant using the crib.

(5) A commercial user or place of public accommodation may not use or have on the premises a crib bumper pad unless a medical professional has determined that using a crib bumper pad is medically necessary for a particular infant that uses a crib on the premises of the commercial user or place of public accommodation.

(6) The Office of Child Care shall:

(a) Provide notice of the provisions of this section to child care facilities and family care homes certified or registered by the office and to applicants for certification and registration; and

(b) Adopt rules necessary to implement the provisions of this subsection.

SECTION 3. The amendments to ORS 646A.504 and 646A.506 by sections 1 and 2 of this 2021 Act apply to manufacturing, retrofitting, selling, leasing, subletting or placing into the stream of commerce any crib bumper pads or crib equipped with crib bumper pads that occurs on or after the effective date of this 2021 Act.

SECTION 4. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House April 15, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 26, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State