



BUREAU OF ELECTRONIC & APPLIANCE REPAIR,
HOME FURNISHINGS & THERMAL INSULATION

INDUSTRY ADVISORY

JUVENILE FURNITURE EXEMPTION - NOTICE OF APPROVAL OF REGULATORY ACTION

TO: ALL JUVENILE UPHOLSTERED FURNITURE MANUFACTURERS / IMPORTERS / WHOLESALEERS AND RETAILERS

Please be advised that a regulatory action was recently approved by the Office of Administrative Law and filed with the Secretary of State on November 29, 2010. The amendment became effective December 29, 2010.

As amended, section 1374.2, title 4, of the California Code of Regulations (CCR) now exempts strollers, infant carriers, and nursing pillows from meeting the flammability requirements of Technical Bulletin (TB) 117, the California flammability standard for all upholstered furniture products. The amendment also eliminated a redundant exemption for articles manufactured solely for recreational use or physical fitness purposes because furniture used exclusively for physical fitness and exercise is already explicitly excluded from the statutory definition of upholstered furniture and therefore not subject to TB 117.

Although products may be exempt from meeting TB 117 standards, they must still be labeled with both a law label (as required by title 4, CCR, division 3, article 2) and a flammability disclosure label indicating non-compliance with TB 117 (as required by title 4, CCR, section 1374.1). A manufacturer, importer, wholesaler and retailer of these products must also have a valid license to sell in California.

The text of section 1374.2 was amended as follows:

1374.2. Criteria for Exemption.

Articles of upholstered furniture, other than ~~juvenile furniture~~ and furniture used for and in facilities designed for the care or treatment of humans, which meet any of the following criteria shall be exempt from compliance with the provisions of Section 19161 of the Home Furnishings Act:

- (a) Cushions and pads intended solely for outdoor use.
- (b) Any article which is smooth surfaced and contains no more than one-half (1/2) inch of filling material, provided that such article does not have a horizontal surface meeting a vertical surface.
- ~~(c) Articles manufactured solely for recreational use or physical fitness purposes, such as weightlifting benches, gymnasium mats or pads, sidehorses and similar articles.~~
- (c) Strollers, infant carriers, and nursing pillows.