

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 provide for regulation of the use of previously used material in mattresses and similar  
3 consumer products; to provide for definitions; to provide for related matters; to provide an  
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
8 Chapter 25, which is reserved, as follows:

9 "CHAPTER 25

10 31-25-1.

11 As used in this chapter, the term:

12 (1) 'Articles of bedding' means any of the following types of goods which are intended  
13 for use by any human being for sleeping purposes: any mattress, mattress pad, mattress  
14 protector, upholstered spring, comforter, quilted pad, quilt, cushion, or pillow which is  
15 stuffed or filled in whole or part with concealed material.

16 (2) 'Manufacturer' means a person who either by himself or herself or through employees  
17 or agents makes any article of bedding in whole or in part or who does the upholstery or  
18 covering of any unit thereof, using either new or previously used material.

19 (3) 'New material' means any material which has not been used in the manufacture of  
20 another article or used for any other purpose.

21 (4) 'Person' means any individual, corporation, company, business, partnership, or  
22 association.

23 (5) 'Previously used material' means any material, including jute and shearings, which  
24 has been used in the manufacture of another article and subsequently torn, shredded,  
25 picked apart, or otherwise disintegrated or altered.

26 (6) 'Renovator' or 'reupholsterer' means any person who repairs, makes over, re-covers,  
27 restores, or renews any article of bedding for consideration.

28 (7) 'Sell' means sell, offer to sell, barter, trade, rent, or possess with intent to sell, deliver  
29 or consign in sale, or dispose of in any other commercial manner.

30 31-25-2.

31 (a) No person, except for his or her own use, shall make, reupholster, or renovate articles  
32 of bedding for sale in this state without first securing a numbered certificate of registration  
33 from the Department of Agriculture and paying the fee established for the certificate of  
34 registration as set forth in this subsection. The charge for this certificate shall constitute  
35 an inspection fee for the purpose of enforcing this chapter. The certificate of registration  
36 shall expire one year from the date of issue. The charge shall be paid according to the  
37 following schedule:

38 (1) Manufacturers of articles of bedding ..... \$1,000.00

39 (2) Renovators and reupholsterers of articles of bedding ..... 250.00

40 (b) Fees collected by the Department of Agriculture under this chapter shall be deposited  
41 in the general fund of the state treasury.

42 31-25-3.

43 Every person applying for a certificate of registration shall furnish a detailed drawing and  
44 description of any sterilizing apparatus and process to be used, which apparatus and  
45 process shall be approved by the Department of Agriculture before the applicant shall be  
46 entitled to a certificate of registration.

47 31-25-4.

48 (a) No person subject to this chapter shall use any previously used material which, since  
49 last used, has not been sterilized by a process approved by the Department of Agriculture.

50 (b) No person shall sell a used article of bedding which has not been sterilized, since last  
51 used, by a process approved by the Department of Agriculture, provided that nothing in this  
52 chapter shall be construed as prohibiting public sales under process of law or sales by an  
53 executor or an administrator of an estate.

54 31-25-5.

55 Any person who receives articles of bedding for renovation, reupholstering, or storage shall  
56 keep attached thereto, from the time of receipt, a tag on which is legibly written the date  
57 of receipt and the name and address of the owner.

58 31-25-6.

59 (a) No person shall manufacture, renovate, reupholster, or sell any article of bedding to  
60 which there is not securely sewed a cloth-backed tag which is at least six square inches in  
61 area and upon which there shall be stamped or printed with ink in the English language:

62 (1) The name of the material or materials used to fill the article of bedding;

63 (2) The name and address of the manufacturer, renovator, upholsterer, or vendor of the  
64 article of bedding;

65 (3) The manufacturer's, upholsterer's, or renovator's certificate of registration number  
66 issued by the Department of Agriculture; and

67 (4) The words 'Made of New Material' if such article contains no previously used  
68 material; or the words 'Made of Previously Used Material' if such article contains any  
69 material classified as 'Previously Used Material'; or the word 'Secondhand' if such article  
70 has been previously used but not remade.

71 The words so stamped shall be in letters at least 1/4 inch high. The tag shall contain  
72 nothing of a misleading nature and shall be sewed to the outside cover of every article of  
73 bedding being manufactured, renovated, or reupholstered before the filling material has  
74 been placed therein.

75 (b) No person, other than a purchaser for his or her own use, shall remove from articles of  
76 bedding or deface or alter the tag required under this Code section.

77 31-25-7.

78 The Department of Agriculture is authorized and empowered, through its duly authorized  
79 representatives, to enforce this chapter. This chapter shall have no application to articles  
80 of bedding manufactured by inmates for use by prisoners, detainees, or other government  
81 purposes. The Department of Agriculture shall not be authorized to enforce this chapter  
82 against the Department of Corrections or other local, state, or federal agencies.

83 31-25-8.

84 The Department of Agriculture is authorized and empowered to inspect every place where  
85 articles of bedding are manufactured, renovated, reupholstered, or sold or where material  
86 used in such manufacture, renovating, or reupholstering is mixed, worked, sold, or stored.

87 31-25-9.

88 When a duly authorized representative of the Department of Agriculture has reasonable  
89 cause to believe that an article of bedding is not tagged or filled as required under Code  
90 Section 31-25-6, he or she shall have authority to open a seam of such article of bedding  
91 for the purpose of examining the filling and shall likewise have authority and power to  
92 examine any purchase records or invoices necessary to determine the kind of material used  
93 in such article of bedding. He or she shall have power to seize and hold for evidence any  
94 article of bedding or material made, possessed, or offered for sale contrary to this chapter.

95 31-25-10.

96 The Department of Agriculture shall have the power to require any person supplying  
97 material to a manufacturer, renovator, or reupholsterer to furnish such manufacturer,  
98 renovator, or reupholsterer an itemized invoice of all materials so supplied, which shall be  
99 retained by the manufacturer, renovator, or reupholsterer for one year. All such invoices  
100 shall be subject to inspection by the Department of Agriculture.

101 31-25-11.

102 It is the intention of this chapter to prevent both the manufacture and sale in this state of  
103 articles of bedding unless manufactured and sold in conformity with its provisions. The  
104 Department of Agriculture may make and enforce reasonable rules and regulations for the  
105 enforcement of this chapter and may suspend, revoke, and void the certificate of  
106 registration of any person convicted of violating this chapter. Any person, a nonresident  
107 of this state, who has been issued a certificate of registration and who fails or refuses to  
108 enter an appearance in any court of record in this state to answer a charge or charges of  
109 violation after service upon such person of a notice by registered or certified mail to so  
110 appear or respond, shall have his or her certificate of registration peremptorily revoked by  
111 the Department of Agriculture. The articles of bedding manufactured or sold by such  
112 person shall not thereafter be sold in this state until such person has paid a special  
113 inspection fee of \$1,000.00 and the Department of Agriculture has determined that such  
114 person is complying with this chapter, whereupon the Department of Agriculture shall  
115 reinstate or reissue the certificate of registration to such person.

116 31-25-12.

117 The possession of one or more articles covered by this chapter, when found in any store,  
118 warehouse, or place of business other than a private home, hotel, or other place where such  
119 articles are ordinarily used, shall constitute prima-facie evidence that the article or articles  
120 so possessed are possessed with intent to sell or process the same for sale.

121 31-25-13.

122 Any person who violates any provision of this chapter shall be guilty of a high and  
123 aggravated misdemeanor punishable by not more than one year in prison or a fine of not  
124 more than \$10,000.00, or both."

125 **SECTION 2.**

126 This Act shall become effective on January 1, 2013.

127 **SECTION 3.**

128 All laws and parts of laws in conflict with this Act are repealed.