

106TH CONGRESS
2D SESSION

S. 2803

To provide for infant crib safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2000

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for infant crib safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Infant Crib Safety
5 Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The disability and death of infants resulting
10 from injuries sustained in crib incidents are a seri-
11 ous threat to the public health, welfare, and safety
12 of people of this country.

1 (2) The design and construction of a baby crib
2 must ensure that it is safe to leave an infant unat-
3 tended for extended periods of time. A parent or
4 caregiver has a right to believe that the crib in use
5 is a safe place to leave an infant.

6 (3) Each year more than 9,000 children ages 4
7 and under are injured in cribs seriously enough to
8 require hospital treatment.

9 (4) Each year at least 45 children ages 4 and
10 under die from injuries sustained in cribs.

11 (5) The United States Consumer Product Safe-
12 ty Commission estimates that the cost to society re-
13 sulting from deaths due to cribs is 225 million dol-
14 lars per year.

15 (6) Secondhand, hand-me-down, and heirloom
16 cribs pose a special problem. There are nearly 4 mil-
17 lion infants born in this country each year, but only
18 one million new cribs sold. As many as 2 out of 4
19 infants are placed in secondhand, hand-me-down, or
20 heirloom cribs.

21 (7) Most crib deaths occur in secondhand,
22 hand-me-down, or heirloom cribs.

23 (8) Existing State and Federal legislation is in-
24 adequate to deal with the hazard presented by sec-
25 ondhand, hand-me-down, or heirloom cribs.

1 (9) Prohibiting the contracting to sell, resell,
 2 lease, sublease of unsafe cribs which are not new, or
 3 otherwise place in the stream of commerce unsafe
 4 secondhand, hand-me-down, or heirloom cribs, will
 5 prevent injuries and deaths caused by cribs.

6 (b) PURPOSES.—The purpose of this Act is to pre-
 7 vent the occurrence of injuries and deaths to infants as
 8 a result of unsafe cribs by making it illegal—

9 (1) to manufacture, sell, or contract to sell any
 10 crib which is unsafe for any infant using the crib;
 11 or

12 (2) to resell, lease, sublet, or otherwise place in
 13 the stream of commerce, after the effective date of
 14 this Act, any crib which is not new and which is un-
 15 safe for any infant using the crib.

16 **SEC. 3. DEFINITIONS.**

17 As used in this Act:

18 (1) COMMERCIAL USER.—The term “commer-
 19 cial user” means any person—

20 (A) who manufactures, sells, or contracts
 21 to sell full-size or non full-size cribs; or

22 (B) who—

23 (i) deals in full-size or non full-size
 24 cribs which are not new or who otherwise
 25 by one’s occupation holds oneself out as

1 having knowledge or skill peculiar to the
2 full-size or non full-size cribs, including
3 child care facilities and family child care
4 homes; or

5 (ii) is in the business of contracting to
6 sell or resell, lease, sublet, or otherwise
7 placing in the stream of commerce full-size
8 or non full-size cribs which are not new.

9 (2) CRIB.—The term “crib” means a bed de-
10 signed to provide a sleeping accommodation for an
11 infant.

12 (3) FULL-SIZE CRIB.—The term “full-size crib”
13 means a full-size crib as defined in section 1508.1
14 of title 16 of the Code of Federal Regulations and
15 regarding the requirements for full-size cribs.

16 (4) INFANT.—The term “infant” means any
17 person less than 35 inches tall or less than 2 years
18 of age.

19 (5) NON FULL-SIZE CRIB.—The term “non-full
20 size crib” means a non-full size crib as defined in
21 section 1509.2(b) of title 16 of the Code of Federal
22 Regulations and American Society for Testing Mate-
23 rials Voluntary Standards F. 1822 regarding the re-
24 quirements for non full-size cribs.

1 **SEC. 4. PROHIBITIONS.**

2 (a) IN GENERAL.—Except as provided in section 6,
3 it shall be unlawful for any commercial user—

4 (1) to manufacture, sell, or contract to sell, on
5 or after the effective date of this Act, any full-size
6 or non full-size crib which is unsafe for any infant
7 using the crib; or

8 (2) to sell, contract to sell or resell, lease, sub-
9 let, or otherwise place in the stream of commerce, on
10 or after the effective date of this Act, any full-size
11 or non full-size crib which is not new and which is
12 unsafe for any infant using the crib.

13 (b) LODGINGS.—Except as provided in section 6, it
14 shall be unlawful for any hotel, motel, or similar transient
15 lodging facility to offer or provide for use or otherwise
16 place in the stream of commerce, on or after the effective
17 date of this Act, any full-size or non full-size crib which
18 is unsafe for any infant using the crib.

19 **SEC. 5. CRIB STANDARDS.**

20 Except as provided in section 6, a crib shall be pre-
21 sumed to be unsafe under this Act if it does not conform
22 to all of the following:

23 (1) Part 1508 (commencing with section
24 1508.1) of title 16 of the Code of Federal Regula-
25 tions;

1 (2) Part 1509 (commencing with section
2 1509.1) of title 16 of the Code of Federal Regula-
3 tions;

4 (3) Part 1303 (commencing with section
5 1303.1) of title 16 of the Code of Federal Regula-
6 tions;

7 (4) American Society for Testing Materials Vol-
8 untary Standards F966;

9 (5) American Society for Testing Materials Vol-
10 untary Standards F1169;

11 (6) American Society for Testing Materials Vol-
12 untary Standards F1822; and

13 (7) Any regulations that are adopted in order
14 to amend or supplement the regulations described in
15 paragraphs (1) through (6) of this section.

16 **SEC. 6. EXCEPTIONS.**

17 A crib that is not intended for use by an infant, in-
18 cluding a toy or display item, shall be exempt from this
19 Act if the crib is accompanied at the time of manufac-
20 turing, contract to sell or resell, leasing, subletting, or oth-
21 erwise placed in the stream of commerce by a notice to
22 be furnished by the commercial user declaring that the
23 crib is not intended to be used for an infant and is dan-
24 gerous to use for an infant.

1 **SEC. 7. ENFORCEMENT.**

2 (a) FINE.—Any commercial user, hotel, motel, or
3 similar transient lodging facility who knowingly violates
4 section 4 is punishable by a fine not exceeding \$1,000.

5 (b) INJUNCTION.—Any person may maintain an ac-
6 tion in a district court of the United States against any
7 commercial user, hotel, motel, or similar transient lodging
8 facility who violates section 4 to enjoin the manufacture,
9 sale, contract to sell, contract to resell, lease, subletting,
10 or otherwise place in the stream of commerce any full-
11 size or non full-size crib which is unsafe for any infant
12 using the crib, and for reasonable attorneys fees and costs.

13 **SEC. 8. REMEDIES.**

14 Fines or other remedies available under this Act are
15 in addition to any other fines, penalties, remedies, or pro-
16 cedures under any other provision of law.

17 **SEC. 9. EFFECTIVE DATE.**

18 This Act shall become effective 90 days from the date
19 of its enactment.

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