

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2828

By: Sullivan (Leonard)

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; enacting the Whitney Starks Act; providing short title; stating findings of the Legislature; requiring the State Board of Health to regulate the sales of bunk beds; providing for administrative penalties; directing the deposit of certain monies; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-0002.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Whitney Starks Act."

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-0002.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Legislature finds and declares the following:

1. The U.S. Consumer Product Safety Commission warns consumers of bunk beds of entrapment hazards and mattress support collapse;

2. Several young children have died as a result of these hazards;

3. It is necessary that consumers of these bunk beds be made alert to the hazards by specific warnings issued by the State Department of Health; and

4. It is also necessary for retailers of bunk beds to either discontinue selling the hazardous bunk beds or make those which

are considered hazardous by the U.S. Consumer Product Safety Commission safe in accordance with the Commission's guidelines.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-0002.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Board of Health shall promulgate rules to provide requirements for retailers of bunk beds to follow, including but not limited to:

1. Each set of bunk beds must be posted with an indelible warning, conforming to the American Society for Testing and Materials Voluntary Standards or the U.S. Consumer Product Safety Commission Standards; and

2. No retailer shall sell a set of bunk beds with mattresses which do not close the space between the lower edge of the guard rail and upper edge of the bed frame to three and one-half (3 1/2) inches or less.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-0002.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any retailer violating the provisions of paragraph 1 or 2 of Section 3 of this act shall be subject to a State Department of Health administrative fine of not more than Five Hundred Dollars (\$500.00) per violation. Each set of bunk beds sold which does not conform to the provisions of paragraph 1 or 2 of Section 3 of this act shall be considered a violation. The monies from the administrative fine shall be collected by the State Department of Health and deposited in the Public Health Special Fund pursuant to Section 1-107 of Title 63 of the Oklahoma Statutes.

SECTION 5. This act shall become effective November 1, 1998.

46-2-9687 KSM