

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL NO. 1156

By: Hicks

AS INTRODUCED

An Act relating to public health and safety; defining terms; prohibiting the sale, lease or offer for sale or lease of crib bumper pads; prohibiting the use or possession of crib bumper pads in certain locations; directing the State Department of Health to give certain notice; providing for promulgation of rules; 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 1-241.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. For the purposes of this section:

1. "Child care facility" shall have the same meaning as provided by Section 402 of Title 10 of the Oklahoma Statutes;

2. "Crib" means a bed or containment designated to accommodate an infant;

3. "Crib bumper pad" means a pad or pads resting directly above the mattress in a crib, running the surface area of the crib or

1 along the length of any of the interior sides of the crib. Crib
2 bumper pad shall include mesh liners;

3 4. "Distributor" means any person who delivers to a person
4 other than the purchaser, for the purpose of retail sale;

5 5. "Importer" means the owner of one or more crib bumper pads
6 at the time of entry into this state from another state or from
7 outside the United States who owns such crib bumper pads
8 specifically for business purposes;

9 6. "Manufacturer" means any person who makes and places into
10 the stream of commerce a crib bumper pad as defined by this section;

11 7. "Person" means a natural person, firm, corporation, limited
12 liability company, association or an employee or agent of a natural
13 person or an entity included in this definition;

14 8. "Place of public accommodation" means any inn, hotel, motel,
15 motor court or other establishment that provides lodging to
16 transient guests. Such term shall not include an establishment
17 treated as an apartment building for purposes of any state or local
18 law or regulation or an establishment located within a building that
19 contains not more than five rooms for rent or hire and that is
20 actually occupied as a residence by the proprietor of such
21 establishment;

22 9. "Retailer" means any person, partnership, corporation or
23 association engaged in the business of making sales at retail within
24 this state;

1 10. "Secondhand dealer" means a person who sells as a primary
2 source of income reconditioned, remanufactured, refurbished,
3 previously owned or consignment items. Such term shall not include
4 the initial consumer or someone who purchases a children's product
5 or durable juvenile product primarily for personal use but who
6 subsequently sells the product; and

7 11. "Wholesaler" means every person, partnership, corporation
8 or association engaged in the business of making sales at wholesale
9 within this state.

10 B. No manufacturer, importer, distributor, wholesaler, retailer
11 or secondhand dealer shall sell, lease, offer for sale or offer for
12 lease in this state any crib bumper pad as an accessory to a crib or
13 as a separate item, whether such sale, lease or offer for sale or
14 lease is conducted by a manufacturer, importer, distributor,
15 wholesaler, retailer or secondhand dealer with a physical presence
16 in this state or via an online platform.

17 C. 1. No child care facility or place of public accommodation
18 shall use or have on the premises any crib bumper pads unless a
19 medical professional has determined that use of crib bumper pads is
20 medically necessary for a particular child using a crib in such
21 child care facility or place of public accommodation.

22 2. The State Department of Health shall notify child care
23 facilities of the provisions of this act in plain, non-technical
24 language. Such notice shall be given to every child care facility

1 upon the effective date of this act or as soon as practicable
2 thereafter, and such notice shall also be given to each applicant
3 for licensure pursuant to Section 405 of Title 10 of the Oklahoma
4 Statutes.

5 D. The State Commissioner of Health shall promulgate rules to
6 implement the provisions of this act.

7 SECTION 2. This act shall become effective November 1, 2020.

8
9 57-2-2764 DC 12/30/2019 12:38:41 PM
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25