

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 98

By: Hicks

COMMITTEE SUBSTITUTE

An Act relating to safe sleep; creating the Safe Sleep Act; defining terms; prohibiting the sale, lease or offer for sale or lease of crib bumper pads; prohibiting the sale, lease or offer for sale or lease of mesh crib liners under certain conditions; prohibiting the use or possession of crib bumper pads in certain locations; prohibiting the use or possession of mesh crib liners in certain locations except under certain conditions; requiring certain compliance with federal laws, regulations or standards; directing the Department of Human Services 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 1-1003.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Safe Sleep Act".

B. For the purposes of this section:

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

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

5 3. "Crib bumper pad" means a pad or pads resting directly above
6 the mattress in a crib, running the surface area of the crib or
7 along the length of any of the interior sides of the crib;

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

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

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

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

19 8. "Place of public accommodation" means any inn, hotel, motel,
20 motor court or other establishment that provides lodging to
21 transient guests. Such term shall not include an establishment
22 treated as an apartment building for purposes of any state or local
23 law or regulation or an establishment located within a building that
24 contains not more than five rooms for rent or hire and that is

1 actually occupied as a residence by the proprietor of such
2 establishment;

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

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

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

15 C. 1. No manufacturer, importer, distributor, wholesaler,
16 retailer or secondhand dealer shall sell, lease, offer for sale or
17 offer for lease in this state any crib bumper pad as an accessory to
18 a crib or as a separate item, whether such sale, lease or offer for
19 sale or lease is conducted by a manufacturer, importer, distributor,
20 wholesaler, retailer or secondhand dealer with a physical presence
21 in this state or via an online platform.

22 2. No manufacturer, importer, distributor, wholesaler, retailer
23 or secondhand dealer shall sell, lease, offer for sale or offer for
24 lease in this state any mesh crib liner intended for placement

1 between a crib mattress and one or more of the crib's inner sides
2 that does not comply with regulations or standards of the Consumer
3 Product Safety Commission or with federal laws governing such liners
4 for the purpose of ensuring sufficient permeability and
5 breathability so as to prevent infant suffocation.

6 3. In the absence of federal laws, regulations or standards
7 described in paragraph 2 of this subsection, or if federal laws,
8 regulations or standards prohibit mesh crib liners, no manufacturer,
9 importer, distributor, wholesaler, retailer or secondhand dealer
10 shall, beginning three (3) years after the effective date of this
11 act, sell, lease, offer for sale or offer for lease in this state
12 any mesh crib liner.

13 D. 1. No childcare facility or place of public accommodation
14 shall use or have on the premises any crib bumper pads unless a
15 medical professional has determined that use of crib bumper pads is
16 medically necessary for a particular child using a crib in such
17 childcare facility or place of public accommodation.

18 2. No childcare facility or place of public accommodation
19 shall, unless a medical professional has determined that use of mesh
20 crib liners is medically necessary for a particular child using a
21 crib in such childcare facility or place of public accommodation,
22 use or have on the premises any mesh crib liner intended for
23 placement between a crib mattress and one or more of the crib's
24 inner sides that does not comply with regulations or standards of

1 the Consumer Product Safety Commission or with federal laws
2 governing such liners for the purpose of ensuring sufficient
3 permeability and breathability so as to prevent infant suffocation.

4 3. In the absence of federal laws, regulations or standards
5 described in paragraph 2 of this subsection, or if federal laws,
6 regulations or standards prohibit mesh crib liners, no childcare
7 facility shall, beginning three (3) years after the effective date
8 of this act, use or have on the premises any mesh crib liner, unless
9 a medical professional has determined that use of mesh crib liners
10 is medically necessary for a particular child using a crib in such
11 childcare facility or place of public accommodation.

12 4. The Department of Human Services shall notify childcare
13 facilities of the provisions of this act in plain, non-technical
14 language. Such notice shall be given to every childcare facility
15 upon the effective date of this act or as soon as practicable
16 thereafter, and such notice shall also be given to each applicant
17 for licensure pursuant to Section 405 of Title 10 of the Oklahoma
18 Statutes.

19 E. The Director of Human Services shall promulgate rules to
20 implement the provisions of this act.

21 SECTION 2. This act shall become effective November 1, 2021.

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24