

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 98

By: Hicks

AS INTRODUCED

An Act relating to public health and safety;
providing short title; 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
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. "Childcare 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;

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

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

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

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

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

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

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

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

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

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

20 2. No manufacturer, importer, distributor, wholesaler, retailer
21 or secondhand dealer shall sell, lease, offer for sale or offer for
22 lease in this state any mesh crib liner intended for placement
23 between a crib mattress and one or more of the crib's inner sides
24 that does not comply with consumer product safety standards

1 governing such liners by the United States Consumer Product Safety
2 Commission pursuant to Section 104 of the Consumer Product Safety
3 Improvement Act of 2008, 15 U.S.C. 2056a (2011), for the purpose of
4 ensuring sufficient permeability and breathability so as to prevent
5 infant suffocation.

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

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

16 2. No childcare facility or place of public accommodation
17 shall, unless a medical professional has determined that use of mesh
18 crib liners is medically necessary for a particular child using a
19 crib in such childcare facility or place of public accommodation,
20 use or have on the premises any mesh crib liner intended for
21 placement between a crib mattress and one or more of the crib's
22 inner sides that does not comply with consumer product safety
23 standards governing such liners by the United States Consumer
24 Product Safety Commission pursuant to Section 104 of the Consumer

1 Product Safety Improvement Act of 2008, 15 U.S.C. 2056a (2011), for
2 the purpose of ensuring sufficient permeability and breathability so
3 as to prevent infant suffocation.

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

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

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

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

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