

SENATE BILL No. 56

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-35-6.

Synopsis: Infant cribs. Requires that a crib that is placed in commerce must comply with certain federal safety regulations, voluntary industry safety standards, and other specific standards. Provides that cribs that are clearly not intended to be used for an infant are exempt if accompanied by a notice. Provides that transient lodging facilities and child care facilities are not required to comply with these standards before January 1, 2001. Requires the office of the secretary of family and social services to notify certain sellers and users of infant cribs of the crib standards.

Effective: Upon passage; July 1, 1998.

Lubbers

January 6, 1998, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in **this style type**.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 56

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-61.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 61.1. "Commercial crib dealer",**
4 **for purposes of IC 16-35-6, has the meaning set forth in**
5 **IC 16-35-6-1.**

6 SECTION 2. IC 16-18-2-88.5 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 1998]: **Sec. 88.5. "Crib", for purposes of**
9 **IC 16-35-6, has the meaning set forth in IC 16-35-6-2.**

10 SECTION 3. IC 16-18-2-188.1 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 1998]: **Sec. 188.1. "Infant", for purposes of**
13 **IC 16-35-6, has the meaning set forth in IC 16-35-6-3.**

14 SECTION 4. IC 16-35-6 IS ADDED TO THE INDIANA CODE AS
15 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 1998]:

17 **Chapter 6. Infant Cribs**

1998

IN 56—LS 6325/DI 77+



1 **Sec. 1. As used in this chapter, "commercial crib dealer" means**
 2 **a person that:**

- 3 (1) **is in the business of placing cribs in commerce, including**
 4 **remanufacturing, retrofitting, selling, or leasing cribs; or**
 5 (2) **by virtue of business or occupation holds itself out to the**
 6 **public as having knowledge about or skill concerning cribs,**
 7 **including the following persons:**

8 (A) **A transient lodging facility with accommodations for**
 9 **overnight or temporary habitation, including a hotel,**
 10 **motel, motor court, lodge, or inn.**

11 (B) **A child care center (as defined in IC 12-7-2-28.4).**

12 (C) **A child care home (as defined in IC 12-7-2-28.6).**

13 (D) **A child care ministry (as defined in IC 12-7-2-28.8).**

14 (E) **A class I child care home (as defined in IC 12-7-2-33.7).**

15 (F) **A class II child care home (as defined in**
 16 **IC 12-7-2-33.8).**

17 (G) **A child caring institution (as defined in IC 12-7-2-29).**

18 (H) **A preschool child care program (as defined in**
 19 **IC 12-17-13-3).**

20 **Sec. 2. As used in this chapter, "crib" means a bed or other**
 21 **means of containment designed to provide sleeping**
 22 **accommodations for an infant. The term includes a full-size baby**
 23 **crib (as defined in 16 CFR 1508.1) and a non-full-size baby crib (as**
 24 **defined in 16 CFR 1509.2(b)).**

25 **Sec. 3. As used in this chapter, "infant" means an individual**
 26 **who is:**

27 (1) **less than three (3) years of age; and**

28 (2) **less than thirty-five (35) inches tall.**

29 **Sec. 4. (a) At the time a crib that is not intended for use by an**
 30 **infant is placed in commerce, including remanufacturing,**
 31 **retrofitting, selling, or leasing, the commercial crib dealer must**
 32 **include a notice with the crib that the crib is not intended to be**
 33 **used by an infant and is dangerous for use by an infant.**

34 **(b) A commercial crib dealer that meets the requirements of**
 35 **subsection (a) is exempt from:**

36 (1) **liability resulting from the use of a crib by an infant; and**

37 (2) **the prohibition imposed under section 5(a) of this chapter.**

38 **Sec. 5. (a) Subject to section 4 of this chapter, a commercial crib**
 39 **dealer may not place in commerce, including remanufacturing,**
 40 **retrofitting, selling, or leasing a crib, a crib that is unsafe for use**
 41 **by an infant.**

42 **(b) The following are presumed to be unsafe for use by an**



- 1 **infant:**
2 (1) **A crib that does not comply with the following:**
3 (A) **Standards for a full-size baby crib (as defined in 16**
4 **CFR 1508.1) contained in 16 CFR Part 1508.**
5 (B) **Standards for a non-full-size baby crib (as defined in**
6 **16 CFR 1509.2(b)) contained in 16 CFR Part 1509.**
7 (C) **Standards contained in 16 CFR Part 1303.**
8 (D) **American Society for Testing Materials Voluntary**
9 **Standards F966-90.**
10 (E) **American Society for Testing Materials Voluntary**
11 **Standards F1169.88.**
12 (F) **Regulations adopted by the federal government or the**
13 **American Society for Testing Materials that amend or**
14 **supplement the standards described in clauses (A) through**
15 **(E).**
16 (2) **A crib that has at least one (1) of the following**
17 **characteristics:**
18 (A) **Corner posts that extend more than one-sixteenth**
19 **(1/16) of an inch.**
20 (B) **Spaces between side slats more than two and**
21 **three-eighths (2 3/8) inches.**
22 (C) **A mattress support that can be easily dislodged from**
23 **any point of the crib. A mattress support is presumed to be**
24 **easily dislodged if a mattress segment cannot withstand at**
25 **least twenty-five (25) pounds of upward force from**
26 **underneath the crib.**
27 (D) **Cut out designs on the end panels.**
28 (E) **Rail height dimensions that do not conform with the**
29 **following:**
30 (i) **The height of the rail and end panel as measured from**
31 **the top of the rail or panel in its lowest position to the top**
32 **of the mattress support in its highest position is at least**
33 **nine (9) inches.**
34 (ii) **The height of the rail and end panel as measured**
35 **from the top of the rail or panel in its highest position to**
36 **the top of the mattress support in its lowest position is at**
37 **least twenty-six (26) inches.**
38 (F) **Any screws, bolts, or hardware that are loose and not**
39 **secured.**
40 (G) **Sharp edges, points, rough surfaces, or wood surfaces**
41 **that are not smooth and free from splinters, splits, or**
42 **cracks.**



1 **(H) The crib is a non-full-size baby crib (as defined in 16**
 2 **CFR 1509.2(b)) with tears in mesh or fabric sides.**

3 **Sec. 6. A person may seek an injunction against a commercial**
 4 **crib dealer that violates this chapter. In an action filed under this**
 5 **section a court may award reasonable attorney's fees and court**
 6 **costs to the prevailing party in the action.**

7 **Sec. 7. A commercial crib dealer that knowingly, intentionally,**
 8 **or recklessly violates this chapter commits a Class B infraction.**

9 **Sec. 8. The remedies available under sections 6 and 7 of this**
 10 **chapter are in addition to any other remedies available under the**
 11 **law.**

12 **SECTION 5. [EFFECTIVE UPON PASSAGE] (a) IC 16-35-6, as**
 13 **added by this act, does not apply to the following:**

14 **(1) A transient lodging facility with accommodations for**
 15 **overnight or temporary habitation, including a hotel, motel,**
 16 **motor court, lodge, or inn.**

17 **(2) A child care center (as defined in IC 12-7-2-28.4).**

18 **(3) A child care home (as defined in IC 12-7-2-28.6).**

19 **(4) A child care ministry (as defined in IC 12-7-2-28.8).**

20 **(5) A class I child caring home (as defined in IC 12-7-2-33.7).**

21 **(6) A class II child care home (as defined in IC 12-7-2-33.8).**

22 **(7) A child care institution (as defined in IC 12-7-2-29).**

23 **(8) A preschool child care program (as defined in**
 24 **IC 12-17-13-3).**

25 **(b) The office of the secretary of family and social services shall**
 26 **do the following:**

27 **(1) Make a good faith effort to mail a notice before July 1,**
 28 **1998, explaining the effect of IC 16-35-6 on the following:**

29 **(A) Transient lodging facilities with accommodations for**
 30 **overnight or temporary habitation, including a hotel,**
 31 **motel, motor court, lodge, or inn.**

32 **(B) Child care centers (as defined in IC 12-7-2-28.4).**

33 **(C) Child care homes (as defined in IC 12-7-2-28.6).**

34 **(D) Child care ministries (as defined in IC 12-7-2-28.8).**

35 **(E) Class I child caring homes (as defined in**
 36 **IC 12-7-2-33.7).**

37 **(F) Class II child care homes (as defined in IC 12-7-2-33.8).**

38 **(G) Child care institutions (as defined in IC 12-7-2-29).**

39 **(H) Preschool child care programs (as defined in**
 40 **IC 12-17-13-3).**

41 **(I) Thrift and used furniture stores and other stores and**
 42 **institutions that sell or use used cribs.**



- 1 **(2) Make a good faith effort to inform the following**
- 2 **institutions that are created on or after July 1, 1998, of the**
- 3 **impact of IC 16-35-6:**
- 4 **(A) Child care centers (as defined in IC 12-7-2-28.4).**
- 5 **(B) Child care homes (as defined in IC 12-7-2-28.6).**
- 6 **(C) Child care ministries (as defined in IC 12-7-2-28.8).**
- 7 **(D) Class I child caring homes (as defined in**
- 8 **IC 12-7-2-33.7).**
- 9 **(E) Class II child care homes (as defined in IC 12-7-2-33.8).**
- 10 **(F) Child care institutions (as defined in IC 12-7-2-29).**
- 11 **(G) Preschool child care programs (as defined in**
- 12 **IC 12-17-13-3).**
- 13 **(c) This SECTION expires January 1, 2001.**
- 14 **SECTION 6. An emergency is declared for this act.**

