
SUBSTITUTE SENATE BILL 6229

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl, Pelz, Prentice, Fairley, Thibaudeau, Wojahn, Franklin and Quigley)

Read first time 02/02/96.

1 AN ACT Relating to infant crib safety; adding a new chapter to
2 Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds all of the
5 following:

6 (a) The disability and death of infants resulting from injuries
7 sustained in crib accidents are a serious threat to the public health,
8 welfare, and safety of the people of this state.

9 (b) Infants are an especially vulnerable class of people.

10 (c) The design and construction of a baby crib must ensure that it
11 is safe to leave an infant unattended for extended periods of time. A
12 parent or caregiver has a right to believe that the crib in use is a
13 safe place to leave an infant.

14 (d) Over thirteen thousand infants are injured in unsafe cribs
15 every year.

16 (e) In the past decade, six hundred twenty-two infants died (a rate
17 of sixty-two infants each year) from injuries sustained in unsafe
18 cribs.

1 (f) The United States consumer product safety commission estimates
2 that the cost to society resulting from injuries and death due to
3 unsafe cribs is two hundred thirty-five million dollars per year.

4 (g) Secondhand, hand-me-down, and heirloom cribs pose a special
5 problem. There were four million infants born in this country last
6 year, but only one million new cribs sold. As many as three out of
7 four infants are placed in secondhand, hand-me-down, or heirloom cribs.

8 (h) Most injuries and deaths occur in secondhand, hand-me-down, or
9 heirloom cribs.

10 (i) Existing state and federal legislation is inadequate to deal
11 with this hazard.

12 (j) Prohibiting the remanufacture, retrofit, sale, contracting to
13 sell or resell, leasing, or subletting of unsafe cribs, particularly
14 unsafe secondhand, hand-me-down, or heirloom cribs, will prevent
15 injuries and deaths caused by cribs.

16 (2) The purpose of this chapter is to prevent the occurrence of
17 injuries and deaths to infants as a result of unsafe cribs by making it
18 illegal to remanufacture, retrofit, sell, contract to sell or resell,
19 lease, sublet, or otherwise place in the stream of commerce, after the
20 effective date of this act, any full-size or nonfull-size crib that is
21 unsafe for any infant using the crib.

22 (3) It is the intent of the legislature to encourage public and
23 private collaboration in disseminating materials relative to the safety
24 of baby cribs to parents, child care providers, and those who would be
25 likely to place unsafe cribs in the stream of commerce. The
26 legislature also intends that informational materials regarding baby
27 crib safety be available to consumers through the department of health.

28 NEW SECTION. **Sec. 2.** This chapter may be known and cited as the
29 infant crib safety act.

30 NEW SECTION. **Sec. 3.** Unless the context clearly requires
31 otherwise, the definitions in this section apply throughout this
32 chapter.

33 (1) "Infant" means any person less than thirty-five inches tall and
34 less than three years of age.

35 (2) "Crib" means a bed or containment designed to accommodate an
36 infant.

1 (3) "Full-size crib" means a full-size crib as defined in Section
2 1508.3 of Title 16 of the Code of Federal Regulations regarding the
3 requirements for full-size cribs.

4 (4) "Nonfull-size crib" means a nonfull-size crib as defined in
5 Section 1509.2(b) of Title 16 of the Code of the Federal Regulations
6 regarding the requirements for nonfull-size cribs.

7 (5) "Person" means any natural person, firm, corporation,
8 association, or agent or employee thereof.

9 (6) "Commercial user" means any person who deals in full-size or
10 nonfull-size cribs of the kind governed by this chapter or who
11 otherwise by one's occupation holds oneself out as having knowledge or
12 skill peculiar to the full-size or nonfull-size cribs governed by this
13 chapter, including child care facilities and family child care homes
14 licensed by the department of social and health services under chapter
15 74.15 RCW, or any person who is in the business of remanufacturing,
16 retrofitting, selling, leasing, subletting, or otherwise placing in the
17 stream of commerce full-size or nonfull-size cribs.

18 NEW SECTION. **Sec. 4.** (1) No commercial user may remanufacture,
19 retrofit, sell, contract to sell or resell, lease, sublet, or otherwise
20 place in the stream of commerce, on or after the effective date of this
21 act, a full-size or nonfull-size crib that is unsafe for any infant
22 using the crib.

23 (2) A crib is presumed to be unsafe pursuant to this chapter if it
24 does not conform to all of the following:

25 (a) Part 1508 (commencing with Section 1508.1) of Title 16 of the
26 Code of Federal Regulations;

27 (b) Part 1509 (commencing with Section 1509.1) of Title 16 of the
28 Code of Federal Regulations;

29 (c) Part 1303 (commencing with Section 1303.1) of Title 16 of the
30 Code of Federal Regulations;

31 (d) American Society for Testing Materials Voluntary Standards
32 F966-90;

33 (e) American Society for Testing Materials Voluntary Standards
34 F1169.88;

35 (f) Any regulations that are adopted in order to amend or
36 supplement the regulations described in (a) through (e) of this
37 subsection.

1 (3) Cribs that are unsafe or fail to perform as expected pursuant
2 to subsection (2) of this section include, but are not limited to,
3 cribs that have any of the following dangerous features or
4 characteristics:

5 (a) Corner posts that extend more than one-sixteenth of an inch;

6 (b) Spaces between side slats more than two and three-eighths
7 inches;

8 (c) Mattress support than can be easily dislodged from any point of
9 the crib. A mattress segment can be easily dislodged if it cannot
10 withstand at least a twenty-five pound upward force from underneath the
11 crib;

12 (d) Cutout designs on the end panels;

13 (e) Rail height dimensions that do not conform to the following:

14 (i) The height of the rail and end panel as measured from the top
15 of the rail or panel in its lowest position to the top of the mattress
16 support in its highest position is at least nine inches;

17 (ii) The height of the rail and end panel as measured from the top
18 of the rail or panel in its highest position to the top of the mattress
19 support in its lowest position is at least twenty-six inches;

20 (f) Any screws, bolts, or hardware that are loose and not secured;

21 (g) Sharp edges, points, or rough surfaces, or any wood surfaces
22 that are not smooth and free from splinters, splits, or cracks;

23 (h) Nonfull-size cribs with tears in mesh or fabric sides.

24 NEW SECTION. **Sec. 5.** Any crib that is clearly not intended for
25 use by an infant is exempt from the provisions of this chapter,
26 provided that it is accompanied at the time of remanufacturing,
27 retrofitting, selling, leasing, subletting, or otherwise placing in the
28 stream of commerce, by a notice to be furnished by the commercial user
29 declaring that it is not intended to be used for an infant and is
30 dangerous to use for an infant. The commercial user is further exempt
31 from claims for liability resulting from use of a crib contrary to the
32 notice required in this section.

33 NEW SECTION. **Sec. 6.** On or after January 1, 1997, any commercial
34 user who willfully and knowingly violates section 4 of this act is
35 guilty of a misdemeanor, punishable by a fine not exceeding one
36 thousand dollars. Hotels, motels, and similar transient lodging, child

1 care facilities, and family child care homes are not subject to this
2 section until January 1, 1999.

3 NEW SECTION. **Sec. 7.** Any person may maintain an action against
4 any commercial user who violates section 4 of this act to enjoin the
5 remanufacture, retrofit, sale, contract to sell, contract to resell,
6 lease, or subletting of a full-size or nonfull-size crib that is unsafe
7 for any infant using the crib, and for reasonable attorneys' fees and
8 costs. This section does not apply to hotels, motels, and similar
9 transient lodging, child care facilities, and family child care homes
10 until January 1, 1999.

11 NEW SECTION. **Sec. 8.** Remedies available under this chapter are in
12 addition to any other remedies or procedures under any other provision
13 of law that may be available to an aggrieved party.

14 NEW SECTION. **Sec. 9.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act shall
19 constitute a new chapter in Title 70 RCW.

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