

116TH CONGRESS
1ST SESSION

H. R. 2647

IN THE SENATE OF THE UNITED STATES

DECEMBER 17, 2019

Received

AN ACT

To adopt a certain California flammability standard as a Federal flammability standard to protect against the risk of upholstered furniture flammability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safer Occupancy Fur-
3 niture Flammability Act” or the “SOFFA Act”.

4 **SEC. 2. ADOPTION OF CALIFORNIA FLAMMABILITY STAND-**
5 **ARD AS A FEDERAL STANDARD.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “bedding product” means—

8 (A) an item that is used for sleeping or
9 sleep-related purposes; or

10 (B) any component or accessory with re-
11 spect to an item described in subparagraph (A),
12 without regard to whether the component or ac-
13 cessory, as applicable, is used—

14 (i) alone; or

15 (ii) along with, or contained within,
16 that item;

17 (2) the term “California standard” means the
18 standard set forth by the Bureau of Electronic and
19 Appliance Repair, Home Furnishings and Thermal
20 Insulation of the Department of Consumer Affairs of
21 the State of California in Technical Bulletin 117–
22 2013, entitled “Requirements, Test Procedure and
23 Apparatus for Testing the Smolder Resistance of
24 Materials Used in Upholstered Furniture”, originally
25 published June 2013, as in effect on the date of en-
26 actment of this Act;

1 (3) the terms “foundation” and “mattress”
2 have the meanings given those terms in section
3 1633.2 of title 16, Code of Federal Regulations, as
4 in effect on the date of enactment of this Act; and

5 (4) the term “upholstered furniture”—

6 (A) means an article of seating furniture
7 that—

8 (i) is intended for indoor use;

9 (ii) is movable or stationary;

10 (iii) is constructed with an uphol-
11 stered seat, back, or arm;

12 (iv) is—

13 (I) made or sold with a cushion
14 or pillow, without regard to whether
15 that cushion or pillow, as applicable,
16 is attached or detached with respect
17 to the article of furniture; or

18 (II) stuffed or filled, or able to be
19 stuffed or filled, in whole or in part,
20 with any material, including a sub-
21 stance or material that is hidden or
22 concealed by fabric or another cov-
23 ering, including a cushion or pillow
24 belonging to, or forming a part of, the
25 article of furniture; and

1 (v) together with the structural units
2 of the article of furniture, any filling mate-
3 rial, and the container and covering with
4 respect to those structural units and that
5 filling material, can be used as a support
6 for the body of an individual, or the limbs
7 and feet of an individual, when the indi-
8 vidual sits in an upright or reclining posi-
9 tion;

10 (B) includes an article of furniture that is
11 intended for use by a child; and

12 (C) does not include—

13 (i) a mattress;

14 (ii) a foundation;

15 (iii) any bedding product; or

16 (iv) furniture that is used exclusively
17 for the purpose of physical fitness and ex-
18 ercise.

19 (b) ADOPTION OF STANDARD.—

20 (1) IN GENERAL.—Beginning on the date that
21 is 180 days after the date of enactment of this Act,
22 and except as provided in paragraph (2), the Cali-
23 fornia standard shall be considered to be a flamma-
24 bility standard promulgated by the Consumer Prod-

1 uct Safety Commission under section 4 of the Flam-
2 mable Fabrics Act (15 U.S.C. 1193).

3 (2) TESTING AND CERTIFICATION.—A fabric,
4 related material, or product to which the California
5 standard applies as a result of paragraph (1) shall
6 not be subject to section 14(a) of the Consumer
7 Product Safety Act (15 U.S.C. 2063(a)) with re-
8 spect to that standard.

9 (3) CERTIFICATION LABEL.—Each manufac-
10 turer of a product that is subject to the California
11 standard as a result of paragraph (1) shall include
12 the statement “Complies with United States CPSC
13 requirements for upholstered furniture flammability”
14 on a permanent label located on the product, which
15 shall be considered to be a certification that the
16 product complies with that standard.

17 (c) PREEMPTION.—

18 (1) IN GENERAL.—Notwithstanding section 16
19 of the Flammable Fabrics Act (15 U.S.C. 1203) and
20 section 231 of the Consumer Product Safety Im-
21 provement Act of 2008 (15 U.S.C. 2051 note), and
22 except as provided in subparagraphs (B) and (C) of
23 paragraph (2), no State or any political subdivision
24 of a State may establish or continue in effect any
25 provision of a flammability law, regulation, code,

1 standard, or requirement that is designed to protect
2 against the risk of occurrence of fire, or to slow or
3 prevent the spread of fire, with respect to uphol-
4 stered furniture.

5 (2) PRESERVATION OF CERTAIN STATE LAW.—
6 Nothing in this Act or the Flammable Fabrics Act
7 (15 U.S.C. 1191 et seq.) may be construed to pre-
8 empt or otherwise affect—

9 (A) any State or local law, regulation,
10 code, standard, or requirement that—

11 (i) concerns health risks associated
12 with upholstered furniture; and

13 (ii) is not designed to protect against
14 the risk of occurrence of fire, or to slow or
15 prevent the spread of fire, with respect to
16 upholstered furniture;

17 (B) sections 1374 through 1374.3 of title
18 4, California Code of Regulations (except for
19 subsections (b) and (c) of section 1374 of that
20 title), as in effect on the date of enactment of
21 this Act; or

1 (C) the California standard.

Passed the House of Representatives December 16,
2019.

Attest: CHERYL L. JOHNSON,
Clerk.