

107TH CONGRESS
1ST SESSION

S. 538

To provide for infant crib safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2001

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for infant crib safety, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Infant Crib Safety
5 Act”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The disability and death of infants resulting
10 from injuries sustained in crib incidents are a seri-
11 ous threat to the public health, welfare, and safety
12 of people of this country.

1 (2) The design and construction of a baby crib
2 must ensure that it is safe to leave an infant unat-
3 tended for extended periods of time. A parent or
4 caregiver has a right to believe that the crib in use
5 is a safe place to leave an infant.

6 (3) Each year more than 12,000 children ages
7 2 and under are injured in cribs seriously enough to
8 require hospital treatment.

9 (4) Each year at least 50 children ages 2 and
10 under die from injuries sustained in cribs.

11 (5) The United States Consumer Product Safe-
12 ty Commission estimates that the cost to society re-
13 sulting from deaths due to cribs is at least
14 \$225,000,000 per year.

15 (6) Secondhand, hand-me-down, and heirloom
16 cribs pose a special problem. There are nearly 4 mil-
17 lion infants born in this country each year, but only
18 one million new cribs sold. As many as 2 out of 4
19 infants are placed in secondhand, hand-me-down, or
20 heirloom cribs.

21 (7) Most crib deaths occur in secondhand,
22 hand-me-down, or heirloom cribs.

23 (8) Existing State and Federal legislation is in-
24 adequate to deal with the hazard presented by sec-
25 ondhand, hand-me-down, or heirloom cribs.

1 (9) Prohibiting the contracting to sell, resell,
 2 lease, sublease of unsafe cribs that are not new, or
 3 otherwise place in the stream of commerce unsafe
 4 secondhand, hand-me-down, or heirloom cribs, will
 5 prevent injuries and deaths caused by cribs.

6 (b) PURPOSE.—The purpose of this Act is to prevent
 7 the occurrence of injuries and deaths to infants as a result
 8 of unsafe cribs by making it illegal—

9 (1) to manufacture, sell, or contract to sell any
 10 crib that is unsafe for any infant using it; or

11 (2) to resell, lease, sublet, or otherwise place in
 12 the stream of commerce, after the effective date of
 13 this Act, any unsafe crib, particularly any unsafe
 14 secondhand, hand-me-down, or heirloom crib.

15 **SEC. 3. DEFINITIONS.**

16 As used in this Act:

17 (1) COMMERCIAL USER.—The term “commer-
 18 cial user” means any person—

19 (A) who manufactures, sells, or contracts
 20 to sell full-size cribs or nonfull-size cribs; or

21 (B) who—

22 (i) deals in full-size or nonfull-size
 23 cribs that are not new or who otherwise by
 24 one’s occupation holds oneself out as hav-
 25 ing knowledge or skill peculiar to full-size

1 cribs or nonfull-size cribs, including child
 2 care facilities and family child care homes;
 3 or

4 (ii) is in the business of contracting to
 5 sell or resell, lease, sublet, or otherwise
 6 placing in the stream of commerce full-size
 7 cribs or nonfull-size cribs that are not new.

8 (2) CRIB.—The term “crib” means a full-size
 9 crib or nonfull-size crib.

10 (3) FULL-SIZE CRIB.—The term “full-size crib”
 11 means a full-size baby crib as defined in section
 12 1508.1 of title 16 of the Code of Federal Regula-
 13 tions.

14 (4) INFANT.—The term “infant” means any
 15 person less than 35 inches tall or less than 2 years
 16 of age.

17 (5) NONFULL-SIZE CRIB.—The term “nonfull-
 18 size crib” means a nonfull-size baby crib as defined
 19 in section 1509.2(b) of title 16 of the Code of Fed-
 20 eral Regulations (including a portable crib and a
 21 crib-pen described in paragraph (2) of subsection (b)
 22 of that section).

23 **SEC. 4. PROHIBITIONS.**

24 (a) IN GENERAL.—It shall be unlawful for any com-
 25 mercial user—

1 (1) to manufacture, sell, or contract to sell, any
 2 full-size crib or nonfull-size crib that is unsafe for
 3 any infant using it; or

4 (2) to sell, contract to sell or resell, lease, sub-
 5 let, or otherwise place in the stream of commerce,
 6 any full-size or nonfull-size crib that is not new and
 7 that is unsafe for any infant using the crib.

8 (b) LODGINGS.—It shall be unlawful for any hotel,
 9 motel, or similar transient lodging facility to offer or pro-
 10 vide for use or otherwise place in the stream of commerce,
 11 on or after the effective date of this Act, any full-size crib
 12 or nonfull-size crib that is unsafe for any infant using it.

13 **SEC. 5. CRIB STANDARDS.**

14 A crib shall be presumed to be unsafe under this Act
 15 if it does not conform to all of the following:

16 (1) Part 1508 (commencing with section
 17 1508.1) of title 16 of the Code of Federal Regula-
 18 tions.

19 (2) Part 1509 (commencing with section
 20 1509.1) of title 16 of the Code of Federal Regula-
 21 tions.

22 (3) Part 1303 (commencing with section
 23 1303.1) of title 16 of the Code of Federal Regula-
 24 tions.

1 (4) American Society for Testing Materials Vol-
2 untary Standard F.406.

3 (5) American Society for Testing Materials Vol-
4 untary Standards F966.

5 (6) American Society for Testing Materials Vol-
6 untary Standards F1169.

7 (7) American Society for Testing Materials Vol-
8 untary Standards F1822.

9 (8) Any regulations or standards that are
10 adopted in order to amend or supplement the regula-
11 tions described in paragraphs (1) through (7).

12 **SEC. 6. EXCEPTIONS.**

13 This Act shall not apply to a full-size crib or nonfull-
14 size crib that is not intended for use by an infant, includ-
15 ing a toy or display item, if at the time it is manufactured,
16 made subject to a contract to sell or resell, leased, sub-
17 letted, or otherwise placed in the stream of commerce, as
18 applicable, it is accompanied by a notice to be furnished
19 by each commercial user declaring that the crib is not in-
20 tended to be used for an infant and is dangerous to use
21 for an infant.

22 **SEC. 7. ENFORCEMENT.**

23 (a) CIVIL PENALTY.—Any commercial user, hotel,
24 motel, or similar transient lodging facility that knowingly

1 violates section 4 is subject to a civil penalty not exceeding
2 \$1,000.

3 (b) INJUNCTION.—Any person may bring an action
4 in a district court of the United States against any com-
5 mercial user, hotel, motel, or similar transient lodging fa-
6 cility to enjoin any act or omission that violates section
7 4, and for reasonable attorneys fees and costs incurred
8 in bringing the action.

9 **SEC. 8. REMEDIES.**

10 Penalties or other remedies available under this Act
11 are in addition to any other fines, penalties, remedies, or
12 procedures under any other provision of law.

13 **SEC. 9. EFFECTIVE DATE.**

14 This Act shall become effective 90 days after the date
15 of its enactment.

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