

108TH CONGRESS  
1ST SESSION

# H. R. 3371

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2003

Mrs. TAUSCHER (for herself, Mr. GREENWOOD, Mr. LAMPSON, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. TOWNS, Ms. MILLENDER-McDONALD, Ms. DELAURO, Mr. SANDERS, Mr. PAYNE, Mr. SCHIFF, Mrs. NAPOLITANO, Ms. NORTON, Mr. WELDON of Pennsylvania, Mr. BAIRD, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. STENHOLM, Mr. WU, Ms. CORRINE BROWN of Florida, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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 AND PURPOSE.**

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

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

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

10          (3) Each year about 12,000 children ages 2 and  
11          under are injured in cribs seriously enough to re-  
12          quire hospital treatment.

13          (4) Each year at least 30 children age 4 and  
14          under die from injuries sustained in cribs.

15          (5) The United States Consumer Product Safe-  
16          ty Commission estimates that the cost to society re-  
17          sulting from deaths due to cribs is at least  
18          \$150,000,000 per year.

19          (6) Secondhand, hand-me-down, and heirloom  
20          cribs pose a special problem. There are nearly 4 mil-  
21          lion infants born in this country each year, but only  
22          an estimated one million to two million new cribs  
23          sold. Many infants are placed in secondhand, hand-  
24          me-down, or heirloom cribs.

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

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

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

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

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

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

20 **SEC. 3. DEFINITIONS.**

21          As used in this Act, the following definitions apply:

22                 (1) COMMERCIAL USER.—

23                         (A) The term “commercial user” means—

1 (i) any person who manufactures,  
2 sells, or contracts to sell full-size cribs or  
3 nonfull-size cribs; or

4 (ii) any person who—

5 (I) deals in full-size or nonfull-  
6 size cribs that are not new or who  
7 otherwise by one's occupation holds  
8 oneself out as having knowledge or  
9 skill peculiar to full-size cribs or  
10 nonfull-size cribs, including child care  
11 facilities and family child care homes;  
12 or

13 (II) is in the business of con-  
14 tracting to sell or resell, lease, sublet,  
15 or otherwise placing in the stream of  
16 commerce full-size cribs or nonfull-size  
17 cribs that are not new.

18 (B) The term “commercial user” does not  
19 mean an individual who sells a used crib at a  
20 one-time private sale.

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

23 (3) FULL-SIZE CRIB.—The term “full-size crib”  
24 means a full-size baby crib as defined in section

1 1508.1 of title 16 of the Code of Federal Regula-  
2 tions.

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

6 (5) NONFULL-SIZE CRIB.—The term “nonfull-  
7 size crib” means a nonfull-size baby crib as defined  
8 in section 1509.2(b) of title 16 of the Code of Fed-  
9 eral Regulations (including a portable crib and a  
10 crib-pen described in paragraph (2) of subsection (b)  
11 of that section).

12 **SEC. 4. REQUIREMENTS FOR CRIBS.**

13 The Federal Hazardous Substances Act (15 U.S.C.  
14 1261 et seq.) is amended by adding at the end the fol-  
15 lowing new section:

16 **“SEC. 25. REQUIREMENTS FOR CRIBS.**

17 “(a) MANUFACTURE AND SALE OF CRIBS.—It shall  
18 be unlawful for any commercial user—

19 “(1) to manufacture, sell, or contract to sell,  
20 any full-size crib or nonfull-size crib that is unsafe  
21 for any infant using it; or

22 “(2) to sell, contract to sell or resell, lease, sub-  
23 let, or otherwise place in the stream of commerce,  
24 any full-size or nonfull-size crib that is not new and  
25 that is unsafe for any infant using the crib.

1       “(b) PROVISION OF CRIBS BY LODGING FACILI-  
2 TIES.—It shall be unlawful for any hotel, motel, or similar  
3 transient lodging facility to offer or provide for use or oth-  
4 erwise place in the stream of commerce, on or after the  
5 effective date of this Act, any full-size crib or nonfull-size  
6 crib that is unsafe for any infant using it.

7       “(c) ADHERENCE TO CRIB SAFETY STANDARDS.—A  
8 full-size crib, nonfull-size crib, portable crib, playpen, or  
9 play yard, shall be presumed to be unsafe under this Act  
10 if it does not conform to the standards applicable to the  
11 product as listed below:

12           “(1) Part 1508 (commencing with section  
13 1508.1) of title 16 of the Code of Federal Regula-  
14 tions. (Requirements for full-size baby cribs).

15           “(2) Part 1509 (commencing with section  
16 1509.1) of title 16 of the Code of Federal Regula-  
17 tions. (Requirements for nonfull-size baby cribs).

18           “(3) American Society for Testing Materials  
19 F406 Consumer Safety Specification for Play Yards.

20           “(4) American Society for Testing Materials  
21 F1169 Consumer Safety Specification for Full-Size  
22 Cribs.

23           “(5) American Society for Testing Materials  
24 F1822 Consumer Safety Specification for Non-Full-  
25 Size Cribs.

1           “(6) American Society for Testing and Mate-  
2           rials F966 Consumer Safety Specification for Full-  
3           Size and Non-Full Size Baby Crib Corner Post Ex-  
4           tensions.

5           “(7) Part 1303 (commencing with section  
6           1303.1) of title 16 of the Code of Federal Regula-  
7           tions.

8           “(8) Any amendments to the above regulations  
9           or standards or any other regulations or standards  
10          that are adopted in order to amend or supplement  
11          the regulations or standards described in paragraphs  
12          (1) through (6)

13          “(d) DESIGNATION AS HAZARDOUS SUBSTANCE.—A  
14          full-size or nonfull-size crib that is not in compliance with  
15          the requirements of this section shall be considered to be  
16          a banned hazardous substance under section 1261(q) of  
17          this title.

18          “(e) EXCEPTION.—These requirements shall not  
19          apply to a full-size crib or nonfull-size crib that is not in-  
20          tended for use by an infant, including a toy or display  
21          item, if at the time it is manufactured, made subject to  
22          a contract to sell or resell, leased, subletted, or otherwise  
23          placed in the stream of commerce, as applicable, it is ac-  
24          panied by a notice to be furnished by each commercial

1 user declaring that the crib is not intended to be used for  
2 an infant and is dangerous to use for an infant.”.

3 **SEC. 5. EFFECTIVE DATE.**

4       This Act shall be effective 90 days after the date of  
5 its enactment.

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