

110TH CONGRESS  
2D SESSION

# H. R. 5692

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2008

Mrs. TAUSCHER (for herself, Mr. ROGERS of Michigan, Mr. BLUMENAUER, Ms. DELAURO, Ms. JACKSON-LEE of Texas, Mrs. NAPOLITANO, Mr. KILDEE, Mr. KUCINICH, and Mr. TOWNS) 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 finds the following:

8               (1) The disability and death of infants resulting  
9       from injuries sustained in crib incidents are a seri-  
10      ous threat to the public health, welfare, and safety  
11      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 about 12,400 children are in-  
7           jured in cribs seriously enough to require emergency  
8           room treatment.

9           (4) Each year at least 43 children under the  
10          age of 4 die from injuries sustained in cribs.

11          (5) The Consumer Product Safety Commission  
12          estimates that the cost to society resulting from  
13          deaths due to cribs is at least \$150,000,000 per  
14          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          an estimated one million to two million new cribs  
19          sold. Many infants are placed in secondhand, hand-  
20          me-down, or 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 unlawful—

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. REQUIREMENTS FOR CRIBS.**

16          (a) MANUFACTURE AND SALE OF CRIBS.—It shall be  
17          unlawful for any commercial user to manufacture, sell, re-  
18          sell, lease, or otherwise place in the stream of commerce,  
19          any full-size or nonfull-size crib that—

20               (1) was manufactured before 1999;

21               (2) does not conform to the safety standards  
22          described in subsection (c); or

23               (3) has any missing, loose, or broken compo-  
24          nents.

1 (b) PROVISION OF CRIBS BY LODGING FACILITIES.—

2 It shall be unlawful for any hotel, motel, or similar tran-  
3 sient lodging facility to offer or provide for use or other-  
4 wise place in the stream of commerce, on or after the ef-  
5 fective date of this Act, any full-size crib or nonfull-size  
6 crib that—

7 (1) was manufactured before 1999;

8 (2) does not conform to the safety standards  
9 described in subsection (c); or

10 (3) has any missing, loose, or broken compo-  
11 nents.

12 (c) CRIB SAFETY STANDARDS.—A full-size or  
13 nonfull-size crib that is not in compliance with the fol-  
14 lowing safety standards shall be considered to be a banned  
15 hazardous product under section 8 of the Consumer Prod-  
16 uct Safety Act (15 U.S.C. 2057):

17 (1) Part 1508 of title 16 of the Code of Federal  
18 Regulations (requirements for full-size baby cribs).

19 (2) Part 1509 of title 16 of the Code of Federal  
20 Regulations (requirements for nonfull-size baby  
21 cribs).

22 (3) American Society for Testing Materials  
23 F406-07 Standard Consumer Safety Specification  
24 for Non-Full Size Baby Cribs/Play Yards.

1           (4) American Society for Testing Materials  
2       F1169 Standard Specification for Full-Size Baby  
3       Crib.

4           (5) American Society for Testing and Materials  
5       F966-00 Consumer Safety Specification for Full-  
6       Size and Non-Full Size Baby Crib Corner Post Ex-  
7       tensions.

8           (6) Part 1303 of title 16 of the Code of Federal  
9       Regulations.

10          (7) Any amendments to the above regulations  
11       or standards or any other regulations or standards  
12       that are adopted in order to amend or supplement  
13       the regulations or standards described in paragraphs  
14       (1) through (6).

15       The Consumer Product Safety Commission shall have the  
16       power to enforce the provisions of this section in the same  
17       manner that the Commission enforces rules declaring  
18       products to be banned hazardous products.

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

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

3 **SEC. 4. DURABILITY TEST REQUIREMENTS FOR CRIBS.**

4 Not later than 90 days after the date of enactment  
5 of this Act, the Consumer Product Safety Commission  
6 shall begin a rulemaking to revise parts 1508 and 1509  
7 of title 16, Code of Federal Regulations, to—

8 (1) include the safety requirements specified in  
9 paragraphs (3) through (5) of section 3(c), or any  
10 successor standards thereto; and

11 (2) address any potential hazards due to dura-  
12 bility exhibited by cribs and play yards, taking into  
13 consideration—

14 (A) the Underwriters Laboratories stand-  
15 ard UL-2275 for full-size baby cribs; and

16 (B) the standards set forth in the Cribs  
17 and Cradle Regulations established by the De-  
18 partment of Justice of Canada, issued Sep-  
19 tember 11, 1986 (SOR/86-962).

20 **SEC. 5. SOFT BEDDING WARNING LABELS.**

21 Not later than 1 year after the date of enactment  
22 of this Act, the Consumer Product Safety Commission  
23 shall promulgate a consumer product safety rule pursuant  
24 to section 7 of the Consumer Product Safety Act (15  
25 U.S.C. 2056) to require that all cribs manufactured and

1 introduced into interstate commerce contain a warning  
2 label affixed to the crib in a conspicuous location warning  
3 consumers against the use of soft bedding for infants  
4 placed in the crib, including bumper pads, quilts, blankets,  
5 pillows, and sleep positioners.

6 **SEC. 6. DEFINITIONS.**

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

8 (1) COMMERCIAL USER.—

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

10 (i) any person who manufactures,  
11 sells, or contracts to sell full-size cribs or  
12 nonfull-size cribs; or

13 (ii) any person who—

14 (I) deals in full-size or nonfull-  
15 size cribs that are not new or who  
16 otherwise by one’s occupation holds  
17 oneself out as having knowledge or  
18 skill peculiar to full-size cribs or  
19 nonfull-size cribs, including child care  
20 facilities and family child care homes;  
21 or

22 (II) is in the business of con-  
23 tracting to sell or resell, lease, sublet,  
24 or otherwise placing in the stream of

1 commerce full-size cribs or nonfull-size  
2 cribs that are not new.

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

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

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

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

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

21 (6) SLEEP POSITIONER.—The term “sleep posi-  
22 tioner” means any wedge, roll, prop, or pillow de-  
23 signed to encourage one position during sleep.



1 **SEC. 7. EFFECTIVE DATE.**

2       The requirements of section 3 of this Act shall be  
3 effective 1 year after the date of enactment of this Act

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