

FIRST REGULAR SESSION

# SENATE BILL NO. 698

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUSSELL.

Read 1st time February 27, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2028S.011

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## AN ACT

To amend chapter 407, RSMo, by adding thereto two new sections relating to crib safety, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 407, RSMo, is amended by adding thereto two new sections, to be known as sections 407.1425 and 407.1428, to read as follows:

**407.1425. As used in sections 407.1425 and 407.1428, the following terms shall mean:**

(1) "Commercial user", a person who deals in cribs or who claims to have knowledge or skill particular to cribs or who is in the business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing cribs in the stream of commerce. Commercial user includes child care facilities, hotels, and motels;

(2) "Crib", a bed or containment designed to accommodate an infant and includes full-size cribs and nonfull-size cribs;

(3) "Infant", a child who is less than thirty-five inches in height and who is under three years of age;

(4) "Full-size crib", has the same meaning prescribed in 16 C.F.R. 1508.3;

(5) "Nonfull-size crib", has the same meaning prescribed in 16 C.F.R. 1509.2.

**407.1428. 1.** A commercial user shall not knowingly remanufacture, retrofit, lease, sublease, sell, or otherwise place in the stream of commerce a crib that is in violation of 16 code of federal regulations part 1303, 1508, or 1509 or that has any of the following design characteristics:

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

(2) Spaces between side slats that are more than two and three-eighths inches;

(3) A mattress support that can be easily dislodged from any point of the crib. For the purposes of this subdivision, a mattress support can be easily dislodged if it cannot withstand at least a twenty-five pound upward force from underneath the crib;

(4) Cutout designs on the panels;

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

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

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

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

(7) Sharp edges, points, or rough surfaces;

(8) Wood surfaces that are not smooth and free from splinters, splits, or cracks;

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

2. A commercial user who knowingly places a crib in the stream of commerce in violation of this section is guilty of a class A misdemeanor.

3. A person may apply for a temporary restraining order or preliminary or permanent injunction from the superior court to enjoin the remanufacturing, retrofitting, leasing, subleasing, selling, or otherwise placing in the stream of commerce a crib that does not comply with this article.

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