

PART 3 MATTRESSES AND BEDDING

25-5-301. Short title.

This part 3 shall be known and may be cited as the "Bedding Act".

Source: L. 41: p. 718, § 18. **CSA:** C. 78, § 206. **CRS 53:** § 66-17-17. **C.R.S. 1963:** § 66-17-17

25-5-302. Definitions.

As used in this part 3, unless the context otherwise requires:

(1) "Bedding" means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, bunk quilt, sleeping bag, box spring, studio couch, pillow, or cushion, any bag or container made of leather, cloth, or any other material, or any other device that is stuffed or filled in whole or in part with any concealed material in addition to the structural units and filling material used therein and its container, all of which can be used by any human being for sleeping or reclining purposes.

(2) "New material" means any material which has not been formerly used in the manufacture of another article or used for any other purpose.

(3) "Person" means any individual, corporation, partnership, or association.

(4) "Previously used material" means any material which has been used in the manufacture of another article or previously used for any other purpose.

(5) "Secondhand" means any article of bedding which has been previously used but not remade before it is offered for resale.

(6) "Sell" and "sold", in the corresponding tense, include: Sell, offer to sell, or deliver or consign in sale, or possess with intent to sell, deliver or consign in sale, including bedding stored in warehouses for ultimate purpose of sale.

Source: L. 41: p. 713, § 1. **CSA:** C. 78, § 190. **CRS 53:** § 66-17-1. **C.R.S. 1963:** § 66-17-1. **L. 90:** (1) amended, p. 1315, § 1, effective July 1.

25-5-303. Restrictions.

No person shall sell or distribute any bedding or bedding materials which are not clean or which may be deemed injurious to the public's health.

Source: L. 41: p. 714, § 2. **CSA:** C. 78, § 191. **CRS 53:** § 66-17-2. **C.R.S. 1963:** § 66-17-2. **L. 90:** Entire section R&RE, p. 1315, § 2, effective July 1.

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Health, §§ 49, 51, 52, 56, 73, 80.

C.J.S. See 39A C.J.S., Health and Environment, §§ 13, 14, 18, 37, 38.

Applied in Ramos v. Lamm, 485 F. Supp. 122 (D. Colo. 1979).

25-5-304. Sale of bedding exposed to contagion. (Repealed)

Source: L. 41: p. 714, § 3. CSA: C. 78, § 192. CRS 53: § 66-17-3. C.R.S. 1963: § 66-17-3. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-305. Disinfection.

(1) No person engaged in manufacturing, remaking, or renovating bedding for sale or distribution shall use any previously used material which since last used has not been disinfected by a method approved by the department of public health and environment.

(2) No person shall knowingly sell any bedding containing animal material, including but not limited to hair, feathers, down, or wool, which has not been disinfected by a method approved by the department of health prior to being incorporated into such bedding.

(3) Repealed.

Source: L. 41: p. 714, § 4. CSA: C. 78, § 193. CRS 53: § 66-17-4. C.R.S. 1963: § 66-17-4. L. 90: (1) and (2) amended and (3) repealed, pp. 1315, 1317, §§ 3, 8, effective July 1. L. 94: (1) amended, p. 2777, § 478, effective July 1.

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Health, § 74.

C.J.S. See 39A C.J.S., Health and Environment, §§ 18, 20, 37, 38, 40.

25-5-306. Receiving bedding to be remade. (Repealed)

Source: L. 41: p. 715, § 5. CSA: C. 78, § 194. CRS 53: § 66-17-5. C.R.S. 1963: § 66-17-5. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-307. Tagging.

(1) No person shall sell bedding or materials therefore to which is not securely sewn by at least one edge a cloth or clothbacked tag at least two inches by three inches in size.

(2) Upon said tag shall be legibly stamped or printed in English in letters at least one-eighth of an inch high:

(a) If the materials used in the manufacture of the article of bedding to which the label is to be attached are entirely new, the label shall be as follows: "The materials used in the manufacture of this mattress (or other article of bedding) are entirely new."

(b) If the materials used in the manufacture of the article to which the label is to be attached are partially or wholly previously used materials, the label shall be as follows: "The materials used in the manufacture of this mattress (or other article of bedding) are previously used materials and have been disinfected."

(c) If the article to which the label is to be attached is secondhand, the label shall be as follows: "This mattress (or other article of bedding) is secondhand."

(3) In addition to the requirements of subsections (1) and (2) of this section, every label shall bear the name and address of the manufacturer or vendor of the article of bedding to which it is attached and the name of the material used to fill such article of bedding.

(4) Nothing likely to mislead shall appear on said tag. The tag shall contain all statements required by this section, and it shall be sewn to the outside covering of every article of bedding sold, manufactured, or remade.

(5) The tagging requirement of this section shall not apply to any individual selling his own personal articles of bedding to another individual.

Source: L. 41: p. 715, § 6. CSA: C. 78, § 195. CRS 53: § 66-17-6. C.R.S. 1963: § 66-17-6. L. 90: (1), (2)(a), (2)(b), (2)(c), and (5) amended, p. 1316, § 4, effective July 1.

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Health, §§ 54-56, 73, 74, 80.

C.J.S. See 39A C.J.S., Health and Environment, §§ 14, 20, 37, 38.

25-5-308. Removing or defacing tag or stamp. (Repealed)

Source: L. 41: p. 716, § 7. CSA: C. 78, § 196. CRS 53: § 66-17-7. C.R.S. 1963: § 66-17-7. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-309. Administered by department.

(1) The department of public health and environment is charged with the administration and enforcement of this part 3.

(2) Repealed.

Source: L. 41: p. 716, § 8. CSA: C. 78, § 197. CRS 53: § 66-17-8. C.R.S. 1963: § 66-17-8. L. 75: Entire section amended, p. 877, § 1, effective July 14. L. 90: (1) amended and (2) repealed, pp. 1316, 1317, §§ 5, 8, effective July 1. L. 94: (1) amended, p. 2777, § 479, effective July 1.

25-5-310. License. (Repealed)

Source: L. 41: p. 716, § 9. CSA: C. 78, § 198. CRS 53: § 66-17-9. C.R.S. 1963: § 66-17-9. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-311. Disposition of moneys. (Repealed)

Source: L. 41: p. 716, § 10. CSA: C. 78, § 199. CRS 53: § 66-17-10. C.R.S. 1963: § 66-17-10. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-312. Appropriation. (Repealed)

Source: L. 41: p. 716, § 11. CSA: C. 78, § 200. CRS 53: § 66-17-11. C.R.S. 1963: § 66-17-11. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-313. Posting of license. (Repealed)

Source: L. 41: p. 717, § 12. CSA: C. 78, § 201. CRS 53: § 66-17-12. C.R.S. 1963: § 66-17-12. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-314. Enforcement.

The department of public health and environment shall enforce this part 3 upon complaint or upon request by a consumer. The department of public health and environment, as often as necessary, may inspect any place where bedding is made, remade, renovated, or sold or where material is disinfected under this part 3. If the department has reason to believe that any article of bedding is not tagged as required by this part 3, the department has the authority to open the same and examine the materials therein to determine if said filling is as stated on said tag; except that, in opening such bedding, the department shall use reasonable means not to damage the same or destroy the value thereof. The department also has the power to examine any purchase records necessary to determine definitely the kind of material used in said bedding, and the department has the power to seize and hold for evidence any article or material therein possessed or offered for sale contrary to this part 3. The department of public health and environment may thereafter commence an action against any violator pursuant to section 25-5-316.

Source: L. 41: p. 717, § 13. CSA: C. 78, § 202. CRS 53: § 66-17-13. C.R.S. 1963: § 66-17-13. L. 90: Entire section amended, p. 1317, § 6, effective July 1. L. 94: Entire section amended, p. 2777, § 480, effective July 1.

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Health, §§ 84, 86.

C.J.S. See 39A C.J.S., Health and Environment, § 48.

25-5-315. Violation - what constitutes. (Repealed)

Source: L. 41: p. 717, § 14. CSA: C. 78, § 203. CRS 53: § 66-17-14. C.R.S. 1963: § 66-17-14. L. 90: Entire section repealed, p. 1317, § 8, effective July 1.

25-5-316. Penalty for violation.

Any person who violates any provision of this part 3 shall be subject to a civil penalty of not more than one thousand dollars. Such penalty shall be determined and collected by the district court for the judicial district in which such violation occurs upon an action instituted by the department of public health and environment. In determining the amount of any such penalty, the court shall take into account the seriousness of the violation, whether the violation was willful or due to a mistake, the economic impact of the penalty upon the violator, and any other relevant factors. All penalties collected pursuant to this section shall be transmitted to the state treasurer and credited to the general fund. The court may also order that the violator pay any court costs of such action, and the court may order that the violator pay restitution to any person damaged by such violation. Any person damaged by a violation of this part 3 may maintain a civil suit for damages against any violator responsible for such damages.

Source: L. 41: p. 717, § 15. CSA: C. 78, § 204. CRS 53: § 66-17-15. C.R.S. 1963: § 66-17-15. L. 90: Entire section R&RE, p. 1317, § 7, effective July 1. L. 94: Entire section amended, p. 2778, § 481, effective July 1.

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Health, § 88.

C.J.S. See 39A C.J.S., Health and Environment, § 50.

25-5-317. Rules and regulations.

The department of public health and environment shall have the right to promulgate rules and regulations deemed necessary for the proper enforcement of this part 3 and not inconsistent therewith.

Source: L. 41: p. 718, § 16. CSA: C. 78, § 205. CRS 53: § 66-17-16. C.R.S. 1963: § 66-17-16. L. 94: Entire section amended, p. 2778, § 482, effective July 1.

Cross references: For rule-making procedures, see article 4 of title 24.

ANNOTATION

Am. Jur.2d. See 39 Am. Jur.2d, Health, §§ 8, 9, 16, 17, 37.

C.J.S. See 39A C.J.S., Health and Environment, §§ 5, 10, 13, 14, 48.
