

**Suspend the Rules and Pass the Bill, H. R. 2647, With an
Amendment**

**(The amendment strikes all after the enacting clause and inserts a
new text)**

116TH CONGRESS
1ST SESSION

H. R. 2647

To adopt a certain California flammability standard as a Federal flammability standard to protect against the risk of upholstered furniture flammability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2019

Ms. MATSUI (for herself, Mr. GRIFFITH, Mr. RUSH, and Mr. CÁRDENAS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To adopt a certain California flammability standard as a Federal flammability standard to protect against the risk of upholstered furniture flammability, 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 “Safer Occupancy Fur-
5 niture Flammability Act” or the “SOFFA Act”.

1 **SEC. 2. ADOPTION OF CALIFORNIA FLAMMABILITY STAND-**
2 **ARD AS A FEDERAL STANDARD.**

3 (a) DEFINITIONS.—In this section—

4 (1) the term “bedding product” means—

5 (A) an item that is used for sleeping or
6 sleep-related purposes; or

7 (B) any component or accessory with re-
8 spect to an item described in subparagraph (A),
9 without regard to whether the component or ac-
10 cessory, as applicable, is used—

11 (i) alone; or

12 (ii) along with, or contained within,
13 that item;

14 (2) the term “California standard” means the
15 standard set forth by the Bureau of Electronic and
16 Appliance Repair, Home Furnishings and Thermal
17 Insulation of the Department of Consumer Affairs of
18 the State of California in Technical Bulletin 117–
19 2013, entitled “Requirements, Test Procedure and
20 Apparatus for Testing the Smolder Resistance of
21 Materials Used in Upholstered Furniture”, originally
22 published June 2013, as in effect on the date of en-
23 actment of this Act;

24 (3) the terms “foundation” and “mattress”
25 have the meanings given those terms in section

1 1633.2 of title 16, Code of Federal Regulations, as
2 in effect on the date of enactment of this Act; and

3 (4) the term “upholstered furniture”—

4 (A) means an article of seating furniture
5 that—

6 (i) is intended for indoor use;

7 (ii) is movable or stationary;

8 (iii) is constructed with an uphol-
9 stered seat, back, or arm;

10 (iv) is—

11 (I) made or sold with a cushion
12 or pillow, without regard to whether
13 that cushion or pillow, as applicable,
14 is attached or detached with respect
15 to the article of furniture; or

16 (II) stuffed or filled, or able to be
17 stuffed or filled, in whole or in part,
18 with any material, including a sub-
19 stance or material that is hidden or
20 concealed by fabric or another cov-
21 ering, including a cushion or pillow
22 belonging to, or forming a part of, the
23 article of furniture; and

24 (v) together with the structural units
25 of the article of furniture, any filling mate-

1 rial, and the container and covering with
2 respect to those structural units and that
3 filling material, can be used as a support
4 for the body of an individual, or the limbs
5 and feet of an individual, when the indi-
6 vidual sits in an upright or reclining posi-
7 tion;

8 (B) includes an article of furniture that is
9 intended for use by a child; and

10 (C) does not include—

11 (i) a mattress;

12 (ii) a foundation;

13 (iii) any bedding product; or

14 (iv) furniture that is used exclusively
15 for the purpose of physical fitness and ex-
16 ercise.

17 (b) ADOPTION OF STANDARD.—

18 (1) IN GENERAL.—Beginning on the date that
19 is 180 days after the date of enactment of this Act,
20 and except as provided in paragraph (2), the Cali-
21 fornia standard shall be considered to be a flamma-
22 bility standard promulgated by the Consumer Prod-
23 uct Safety Commission under section 4 of the Flam-
24 mable Fabrics Act (15 U.S.C. 1193).

1 (2) TESTING AND CERTIFICATION.—A fabric,
2 related material, or product to which the California
3 standard applies as a result of paragraph (1) shall
4 not be subject to section 14(a) of the Consumer
5 Product Safety Act (15 U.S.C. 2063(a)) with re-
6 spect to that standard.

7 (3) CERTIFICATION LABEL.—Each manufac-
8 turer of a product that is subject to the California
9 standard as a result of paragraph (1) shall include
10 the statement “Complies with U.S. CPSC require-
11 ments for upholstered furniture flammability” on a
12 permanent label located on the product, which shall
13 be considered to be a certification that the product
14 complies with that standard.

15 (c) PREEMPTION.—

16 (1) IN GENERAL.—Notwithstanding section 16
17 of the Flammable Fabrics Act (15 U.S.C. 1203) and
18 section 231 of the Consumer Product Safety Im-
19 provement Act of 2008 (15 U.S.C. 2051 note), and
20 except as provided in subparagraphs (B) and (C) of
21 paragraph (2), no State or any political subdivision
22 of a State may establish or continue in effect any
23 provision of a flammability law, regulation, code,
24 standard, or requirement that is designed to protect
25 against the risk of occurrence of fire, or to slow or

1 prevent the spread of fire, with respect to uphol-
2 stered furniture.

3 (2) PRESERVATION OF CERTAIN STATE LAW.—
4 Nothing in this Act or the Flammable Fabrics Act
5 (15 U.S.C. 1191 et seq.) may be construed to pre-
6 empt or otherwise affect—

7 (A) any State or local law, regulation,
8 code, standard, or requirement that—

9 (i) concerns health risks associated
10 with upholstered furniture; and

11 (ii) is not designed to protect against
12 the risk of occurrence of fire, or to slow or
13 prevent the spread of fire, with respect to
14 upholstered furniture;

15 (B) sections 1374 through 1374.3 of title
16 4, California Code of Regulations (except for
17 subsections (b) and (c) of section 1374 of that
18 title), as in effect on the date of enactment of
19 this Act; or

20 (C) the California standard.