



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5407

Introduced 1/31/2022, by Rep. Michael Kelly

SYNOPSIS AS INTRODUCED:

425 ILCS 45/1002	from Ch. 127 1/2, par. 951-2
425 ILCS 45/1003	from Ch. 127 1/2, par. 951-3
425 ILCS 45/1004	from Ch. 127 1/2, par. 951-4
425 ILCS 45/1006	from Ch. 127 1/2, par. 951-6
425 ILCS 45/1007	from Ch. 127 1/2, par. 951-7
425 ILCS 45/1008	from Ch. 127 1/2, par. 951-8
425 ILCS 45/1005 rep.	

Amends the Furniture Fire Safety Act. Replaces references to seating furniture with references to furnishing. Makes changes to provisions regarding definitions. Repeals provisions regarding appointing members to an Advisory Board under the Act. Makes other changes.

LRB102 22640 CPF 35439 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Furniture Fire Safety Act is amended by
5 changing Sections 1002, 1003, 1004, 1006, 1007, and 1008 as
6 follows:

7 (425 ILCS 45/1002) (from Ch. 127 1/2, par. 951-2)

8 Sec. 1002. As used in this Act:

9 (a) "Sell" or any of its variants means and includes any of
10 or any combination of the following: to sell, offer or expose
11 for sale, barter, trade, deliver, give away, rent, consign,
12 lease, or possess with an intent to sell or dispose of in any
13 other commercial manner.

14 (b) "Furnishing" ~~"Seating furniture"~~ means any furniture,
15 including children's furniture, movable or stationery, which
16 (1) is made of or with cushions or pillows, loose or attached,
17 (2) is itself stuffed or filled in whole or in part with any
18 filling material, (3) is or can be stuffed or filled in whole
19 or in part with any substance or material, hidden or concealed
20 by fabric or any other covering, including cushions or pillows
21 belonging to or forming a part thereof, together with the
22 structural units, the filling material and its container and
23 covering which can be used as a support for the body of a human

1 being, or the limbs and feet when sitting or resting in an
2 upright or reclining position, including, but not limited to,
3 a covered or uncovered pad or topper placed on top of a
4 furnishing or bed as extra padding or support, but not
5 including a mattress.

6 (c) "Filling material" means cotton, wool, kapok,
7 feathers, down, hair, liquid, or any other material or
8 substance, natural or man-made, or any other prefabricated
9 form, concealed or not concealed, to be used or that could be
10 used in furnishings ~~articles of seating furniture.~~

11 (d) "Manufacturer" means a person who, either by himself
12 or through employees or agents, makes any furnishing ~~article~~
13 ~~of seating furniture~~ in whole or in part.

14 (e) "Public occupancies" means:

15 (1) Penal institutions such as jails ~~Jails~~, prisons,
16 correctional centers, and transitional centers ~~penal~~
17 ~~institutions;~~

18 (2) Hospitals, mental health facilities, and similar
19 health care facilities;

20 (3) Nursing care and rehabilitation centers
21 ~~convalescent homes;~~

22 (4) Child day care centers;

23 (5) Public auditoriums, theaters, arenas, gymnasiums,
24 and stadiums; ~~and~~

25 (6) Public assembly areas of hotels and motels
26 containing more than 10 furnishings; and ~~articles of~~

1 ~~seating furniture.~~

2 (7) Public assembly areas of assisted living
3 facilities containing more than 10 furnishings.

4 (f) "NFPA" means the National Fire Protection Association.

5 (Source: P.A. 86-631.)

6 (425 ILCS 45/1003) (from Ch. 127 1/2, par. 951-3)

7 Sec. 1003. (a) Furnishings ~~Articles of seating furniture,~~
8 other than juvenile furnishings and furnishings ~~furniture and~~
9 ~~furniture~~ used for and in facilities designed for the care or
10 treatment of humans, which meet any of the following criteria
11 are exempt from compliance with the provisions of this Act:

12 (1) Cushions and pads intended solely for outdoor use.

13 (2) Any article which has a ~~is~~ smooth surface ~~surfaced~~
14 and contains no more than one-half inch of filling
15 material, if such article does not have a horizontal
16 surface meeting a vertical surface.

17 (3) Articles manufactured solely for recreational use
18 or physical fitness purposes, such as weightlifting
19 benches, indoor or outdoor multilevel play structures,
20 gymnasium mats or pads, gymnastics equipment ~~sidehorses,~~
21 and similar articles.

22 (b) Public occupancies and public assembly areas as
23 defined in subsection (e) of Section 1002 that are fully
24 protected by sprinkler systems in accordance with ~~either~~
25 National Fire Protection Association (NFPA) ~~Standard~~ 13:

1 Standard for the Installation of Sprinkler Systems, as
2 amended, ~~or Uniform Building Code Standard 38-1~~ are exempt
3 from the provisions of this Code, but must comply with rules
4 adopted under this Act ~~test requirements as set forth in the~~
5 ~~State of California, Bureau of Home Furnishings Technical~~
6 ~~Bulletin Number 117, as amended, and Technical Bulletin Number~~
7 ~~116, as amended, entitled respectively "Requirements, Test~~
8 ~~Procedures and Apparatus for Test Procedures and Apparatus for~~
9 ~~Testing the Flame Retardance of Filling Materials Used in~~
10 ~~Upholstered Furniture" and "Test Procedures and Apparatus for~~
11 ~~Testing the Flame Retardance of Upholstered Furniture".~~

12 (Source: P.A. 86-631; 87-129.)

13 (425 ILCS 45/1004) (from Ch. 127 1/2, par. 951-4)

14 Sec. 1004. (a) The Office of the State Fire Marshal has the
15 duty to administer and enforce this Act in accordance with the
16 laws of this State.

17 (b) The Office of the State Fire Marshal shall adopt rules
18 and regulations necessary for the administration and
19 enforcement of this Act ~~within 6 months after the effective~~
20 ~~date of this Act. The rules and regulations shall be in~~
21 ~~conformity with the flammability testing and labeling~~
22 ~~procedures for seating furniture for use in public occupancies~~
23 ~~as published in Technical Bulletin 133, as amended, State of~~
24 ~~California Bureau of Home Furnishings and Thermal Insulation.~~
25 The Office of the State Fire Marshal shall periodically add,

1 delete, revise and update such rules and regulations as may
2 from time to time be required ~~to conform with the requirements~~
3 ~~of Technical Bulletin 133.~~

4 (c) (Blank). ~~All rules and regulations adopted by the~~
5 ~~State Fire Marshal shall become effective not earlier than 90~~
6 ~~days from adoption.~~

7 (Source: P.A. 86-631; 87-129.)

8 (425 ILCS 45/1006) (from Ch. 127 1/2, par. 951-6)

9 Sec. 1006. This Act applies to all furnishings seating
10 ~~furniture~~ manufactured on or after September 1, 1989 that are
11 ~~the effective date of this Act which is~~ sold or intended for
12 use in public occupancies in this State regardless of their
13 ~~its~~ point of origin. After September 1, 1989 ~~the effective~~
14 ~~date of this Act,~~ this Act prohibits the sale for use in a
15 public occupancy of any furnishing that seating furniture
16 ~~which~~ fails to conform to the applicable flammability standard
17 or labeling requirement set forth in this Act or rules adopted
18 under this Act.

19 (Source: P.A. 86-631.)

20 (425 ILCS 45/1007) (from Ch. 127 1/2, par. 951-7)

21 Sec. 1007. All applicable flammability requirements of
22 this Act or the rules promulgated hereunder are to be
23 considered performance standards. Testing under these
24 standards shall be at the discretion of the manufacturer;

1 however, products and materials offered for sale in this State
2 shall meet applicable flammability requirements established
3 pursuant to this Act or rules adopted under this Act. The
4 Office of the State Fire Marshal may inspect or audit any such
5 testing of furnishings ~~seating furniture~~ as is deemed
6 necessary under this Act.

7 (Source: P.A. 86-631.)

8 (425 ILCS 45/1008) (from Ch. 127 1/2, par. 951-8)

9 Sec. 1008. The Office of the State Fire Marshal has the
10 authority to institute a civil action or proceeding to enjoin
11 the use in the State of any furnishing that ~~seating furniture~~
12 ~~which~~ has not met the tests or ~~7~~ criteria ~~7~~ ~~or rules and~~
13 ~~regulations~~ of this Act or rules adopted under this Act and
14 that is sold or intended for use in public occupancies.

15 (Source: P.A. 86-631.)

16 (425 ILCS 45/1005 rep.)

17 Section 10. The Furniture Fire Safety Act is amended by
18 repealing Section 1005.