

## NEW YORK LAW TO TAKE EFFECT REQUIRING WARNING, TIP RESTRAINTS FOR CLOTHING STORAGE UNITS

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New York furniture retailers and manufacturers have until October 12, 2019 to comply with a New York state law that requires that clothing storage units be labeled with a permanent tip hazard warning and sold with a tip restraint device.

The law, named “Harper’s Law” after a 3-year-old boy who died from a furniture tip-over incident, requires that clothing storage units comply with a voluntary industry safety standard, ASTM F2057, which provides minimum stability standards, requires that covered furniture come with wall-anchoring kits, and be labeled with a permanent tip-hazard warning.

**Sale of Crib Bumpers Banned:** Also taking effect on October 12, a New York law bans the sale of crib bumper pads and prohibits their use in child care facilities or places of public accommodation. New York State is the third U.S. state to ban crib bumper pads, along with Maryland and Ohio. Crib bumpers are also banned in Chicago and Watchung borough in New Jersey. There are also proposed bans in Vermont, Illinois, and Missouri.

**Under Harper’s Law**, retailers must either (1) label the furniture with a permanent tip-hazard warning and provide a tip restraint device, or (2) sell tip-restraint devices in the store and post a conspicuous notice that states: “Certain furniture may become unstable and tip over, leading to possible injury or death. Tip restraint devices may prevent tipping of furniture when properly installed.”

The law defines “furniture” as a clothing storage unit that is freestanding and at least twenty-seven inches in height including but not limited to chests, dressers, armoires, and bureaus. On the same day that Harper’s Law was passed, ASTM F2057 was amended to apply to furniture 27 inches and higher. Previously, it had only applied to furniture 30 inches and higher.

Although Harper’s Law is limited to New York, retailers and manufacturers nationwide should take notice. In February 2019, the U.S. Consumer Product Safety Commission (CPSC) provided notice that clothing storage units that do not meet the requirements of ASTM F2057 will be considered as having a defect that could present a substantial product hazard under Section 15(a) of the Consumer Product Safety Act (CSPA), 15 U.S.C. § 2064(a), and subject to corrective action.

Over the last several years, the CPSC has focused on clothing storage unit tip overs by launching the Anchor It! educational campaign in June 2015 and by initiating rulemaking under the under the Consumer Product Safety Act by issuing an advance notice of proposed rulemaking (ANPR) in November 2017.

For questions or additional information, contact the author.

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### **Merrit M. Jones**

San Francisco

[merrit.jones@bclplaw.com](mailto:merrit.jones@bclplaw.com)

[+1 415 675 3435](tel:+14156753435)

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