Chapter 220

Bunk Bed Rules

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CHAPTER 220. BUNK BED RULES

SUBCHAPTER 1. GENERAL PROVISIONS

310:220-1-1. Purpose

The rules in this Chapter implement the Whitney Starks Act, 63 O.S. Supp. 1998, Section 1-1002.1 et seq.

310:220-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Bed end structure" means the upright unit at the head and foot of the bed to which side rails attach.

"Bunk bed" means any bed in which the underside of the foundation is over thirty-five (35) inches from the floor.

"Department" means the Oklahoma State Department of Health.

"Foundation" means the base or support for a mattress.

"Guardrail" means a rail attached to each long side or ends of the bed.

"Retailer" means a person who sells articles directly to the final consumer.

310:220-1-3. Construction

(a) No retailer shall sell or resell a bunk bed in which the distance between the lower edge of the guard rail and the upper edge of the bed frame or the lower edge of the bed end structure and the upper edge of the bed frame exceeds three and one-half (3½) inches. A guardrail system that terminates before reaching the bed end structure is acceptable providing there are no more than 15 inches (380 mm) between either end of the guardrail and the bed end structures.

(b) The foundation support system, in the event cross-members are used, shall have at least two (2) cross-members. If more than two (2) cross-members are used, they shall be spaced so that the distance between adjacent cross-members or between cross-members and the bed end structures is less than three and one-half (3½) inches or more than nine (9) inches.

SUBCHAPTER 3. LABELING

310:220-3-1. Labeling requirements

(a) Each bunk bed offered for sale by a retailer shall be posted with an indelible warning which includes the name, city, and state of the manufacturer or distributor.

(b) The letters of the word "WARNING" shall be in uppercase boldface type not less than three-sixteenth (3/16) inch or five (5) millimeters high and shall be the first line of the label. The letters in "DO NOT REMOVE THIS LABEL" shall be in uppercase boldface type not less than one-eighth (1/8) inch or three (3) millimeters high and shall be the last line in the label.

(c) The remainder of the text of the label shall be no less than

one-eighth (1/8) inch or three (3) millimeters high with the words "to help prevent" in boldface type. The language contained in the warnings shall read: To help prevent serious or fatal injuries from entrapment or falls:

(1) Never allow a child under six (6) years on the upper bunk;

(2) Use only a mattress which is not more than 3 1/2 inches shorter than the bed length and not more than 3 1/2 inches narrower than the bed width on the upper bunk;

(3) Ensure the thickness of the mattress does not exceed (list thickness here) and the mattress is at least five (5) inches below the upper edge of the guardrails;

(4) Use guardrails on both sides of the upper bunk;

(5) Prohibit horseplay on or under the bed(s);

(6) Prohibit more than one (1) person on the upper bunk; and

(7) Use a ladder for entering and leaving the upper bunk.

(d) For mattress and foundations the label shall specify a mattress and foundation size for the bunk bed that is no less than three and one half (3 1/2) inches smaller than the length or width of the interior bed structure. The thickness of the mattress and foundation specified shall be at least five (5) inches below the upper edge of the guardrails and the upper edge of the bed end structures. The language contained in the warnings shall read: To help prevent serious or fatal injuries from entrapment or falls:

(1) Never allow a child under six (6) years on the upper bunk;

(2) Use only a mattress which is not more than 3 1/2 inches shorter than the bed length and not more than 3 1/2 inches narrower than the bed width;

(3) Ensure thickness of the mattress and foundation combined is at least five (5) inches below the upper edge of the guardrails;

(4) Use guardrails on both sides of the upper bunk;

(5) Prohibit horseplay on or under the bed(s);

(6) Prohibit more than one (1) person on the upper bunk; and

(7) Use a ladder for entering and leaving the upper bunk.

(e) The label shall be attached permanently to a bed end structure of the upper bunk in a location that cannot be covered by the bedding but that may be covered by the placement of a pillow.

TITLE 63 OF THE OKLAHOMA STATUTES SUPPLEMENT 1998
SECTIONS 1-1002.1 et seq.

Section 1-1002.1 Short title

This act shall be known and may be cited as the "Whitney Starks Act".

Section 1-1002.2 Rules establishing requirements for retailers of bunk beds

The State Board of Health shall promulgate rules establishing requirements for retailers of bunk beds which shall include, but not be limited to, requirements that:

1. Each set of bunk beds must be posted with an indelible warning which conforms with American Society for Testing and Materials Voluntary Standards or U.S. Consumer Product Safety Commission Standards; and

2. No retailer shall sell a set which does not limit the space between the lower edge of the guard rail and the upper edge of the bed frame of the upper bunk bed to three and one-half (3 1/2)inches or less.

Section 1-1002.3 Fines

Any retailer violating g the provisions of paragraph 1 or 2 of this act shall be subject to an administrative fine by the State Department of Health of not more than Five Hundred Dollars ($500.00) per violation. Each set of bunk beds sold which does not conform to the provisions of paragraph 1 or 2 of Section 2 of this act shall be considered a violation. The monies from the administrative fine shall be collected by the Department and deposited in the Public Health Special fund pursuant to Section 1-107 of Title 63 of the Oklahoma Statutes.

Section 1-1002.4 Application of act

The provisions of the Whitney Starks Act shall apply to any bunk bed sold on or after November 1, 1998.