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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000 - 27007]** ( *Division 20 enacted by Stats. 1939, Ch. 60.*  )

**CHAPTER 4.8. Bunk Beds [24530 - 24538]** ( *Chapter 4.8 added by Stats. 1999, Ch. 920, Sec. 1.*  )

**24530.** This chapter shall be known as and may be cited as the Bunk Bed Safety Act of 1999.

(*Added by Stats. 1999, Ch. 920, Sec. 1. Effective January 1, 2000.*)

**24531.** The Legislature finds and declares the following:

- (a) No state or federal law exists mandating the safety of bunk beds intended for use by children.
- (b) Since November 1994, the federal Consumer Product Safety Commission has recalled more than 500,000 bunk beds that posed serious health hazards to children, including thousands manufactured in California.
- (c) At least 54 children have died from head entrapment in bunk beds since 1990.

(*Added by Stats. 1999, Ch. 920, Sec. 1. Effective January 1, 2000.*)

**24532.** (a) As used in this chapter, "sale" or "sell" means remanufacturing, retrofitting, selling, contracting to sell or resell, leasing, subletting, or otherwise placing in the stream of commerce.

(b) As used in this chapter, "commercial user" means any person who deals in or engages in the business of selling bunk beds or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to bunk beds, or any person who sells bunk beds.

(*Added by Stats. 1999, Ch. 920, Sec. 1. Effective January 1, 2000.*)

**24533.** (a) No commercial user shall sell, on or after June 19, 2000, a bunk bed that is unsafe for any child using the bunk bed.

(b) A bunk bed is presumed to be unsafe for the purposes of this section if it does not conform to federal laws, rules, or regulations relative to safety standards for bunk beds.

(*Amended by Stats. 2000, Ch. 6, Sec. 2. Effective March 28, 2000.*)

**24534.** Any commercial user who willfully and knowingly violates Section 24533 is guilty of an infraction and shall be punished by a fine not exceeding one thousand dollars (\$1,000).

(*Amended by Stats. 2000, Ch. 6, Sec. 3. Effective March 28, 2000.*)

**24535.** Any person may maintain an action against any commercial user who violates Section 24533 to enjoin the sale of a bunk bed that is unsafe for any child using the bunk bed, and for reasonable attorney's fees and costs. This section shall not apply to hotels, motels, or similar transient lodging until July 1, 2003.

(*Amended by Stats. 2000, Ch. 6, Sec. 4. Effective March 28, 2000.*)

**24536.** Remedies available under this article shall be in addition to any other remedies or procedures under any other provision of law that may be available to an aggrieved party.

(*Added by Stats. 1999, Ch. 920, Sec. 1. Effective January 1, 2000.*)

**24537.** This chapter does not apply to any bunk bed that was manufactured prior to June 19, 2000, if the sale of the bunk bed is accompanied by a disclosure statement attached in a conspicuous place on the bunk bed that states the following: "This bunk bed

does not conform to the Bunk Bed Safety Act of 1999. Exercise caution before you select this product.”

*(Amended by Stats. 2000, Ch. 6, Sec. 5. Effective March 28, 2000.)*

**24538.** Nothing in this chapter shall supersede any provision of federal law or any regulation adopted pursuant to federal law.

*(Added by Stats. 1999, Ch. 920, Sec. 1. Effective January 1, 2000.)*