

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4101:6-1-05

Rule Type: Amendment

Rule Title/Tagline: Label requirements for articles of bedding, upholstered furniture, and stuffed toys, manufactured of all new material.

Agency Name: Department of Commerce

Division: Bedding and Upholstered Furniture Inspection

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 8/4/2021
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3713.04
5. What statute(s) does the rule implement or amplify? 3713.02, 3713.08
6. What are the reasons for proposing the rule?

To establish more specific requirements for proper tagging and labeling of articles of bedding, upholstered furniture, and stuffed toys, pursuant to sections 3713.02 and 3713.08 of the Revised Code, as opposed to the more general requirements expressed in rule 4101:6-1-04, which apply to all items that must be tagged or labeled.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule describes the requirements for proper tagging or labeling of articles of bedding and upholstered furniture, including the material to be used for the tag or label; size and color of the label; color of print on the label, and how the label must be affixed to the article. Similarly, the rule describes specifics of proper tagging and labeling of stuffed toys, including the information that must be contained on the label.

The rule was amended to remove reference to a "license," given that Chapter 3713. of the Revised Code only refers to registration requirements. In addition, the rule was amended to clarify that post office box numbers may not be used on the label of bedding and upholstered furniture. Finally, grammatical and stylistic changes were proposed.

- 8. Does the rule incorporate material by reference? No**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Changes were made to the question "What statute(s) does the rule implement or amplify?"

II. Fiscal Analysis

- 11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

The Department does not anticipate an increase or decrease in its revenues or expenditures in the current biennium due to this rule.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Costs of compliance include the manufacturing costs associated with printing and affixing a tag or label to each article of bedding, upholstered furniture, or stuffed toy manufactured or imported for sale into this state. The requirement for the label itself, however, is created by sections 3713.02 and 3713.08 of the Revised Code.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable.

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office? Yes**
17. **Does this rule have an adverse impact on business? Yes**
 - A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
 - B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
 - C. **Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule requires inclusion of specific information on the required tag or label to be affixed to articles of bedding, upholstered furniture, and stuffed toys.
 - D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes**

The rule will increase the expenses of the lines of business to which it applies, but only marginally. The requirement for a tag or label to be affixed to articles of bedding and stuffed toys is created by sections 3713.02 and 3713.08 of

the Revised Code. This rule only clarifies how labels used on bedding and upholstered furniture differ as compared to labels used for stuffed toys.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable