



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Ohio Department of Commerce in accordance with Ohio Revised Code § 119.03 intends to amend five rules governing bedding and stuffed toys found in Ohio Administrative Code § 4101:6-1 et seq.

The following rules are being amended for the reasons set forth below:

4101:6-1-03:

This amended rule reflects a legislative change (130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013) from a semiannual to an annual reporting requirement. The amendment also corrects two grammatical issues.

This rule provides process details for the registration and licensing of those who seek to engage in the regulated industry, sets the licensing fee payable to the Agency, sets the terms for recognition of another state license through reciprocity, and provides for certain licensees to submit annual reports to the Superintendent of Industrial Compliance, provides the terms for reduced fees for those entities seeking licensing or registration that possess a valid determination letter of not-for-profit status issued by the U.S. Internal Revenue Service that are operated exclusively to provide recreation or social services to the general public, and amplifies upon the exemptions for those who do not regularly engage in regulated activity that are set forth in R.C. Section 3713.05(C).

4101:6-1-04:

This rule provides general requirements for registration with the Superintendent of Industrial Compliance and for labeling the contents of articles of bedding, upholstered furniture and stuffed toys, including specifications on information that is to be included, that false or misleading information is prohibited, that information other than that required by the code is prohibited, how a label is to be attached to the article, that the label is not to be removed by any person other than the purchaser for their personal use, and the display of information.

4101:6-1-05:

This rule specifies what information is to be included and how it is to be displayed on labels to be attached to articles the filling for which is made entirely with new materials. This amendment provides clarity to manufacturers regarding product labels and allows for the Superintendent to formally grant a temporary variance for a label discrepancy.

4101:6-1-08:

This rule specifies what information is to be included and how it is to be displayed on labels to be attached to articles of bedding, upholstered furniture and stuffed toys for sale as secondhand articles. The amendment includes changing the size and color of the label to improve clarity and reduce costs.

4101:6-1-11:

This rule provides industry-specific definitions for terms used in relation to cotton fillings used in Bedding, Upholstered Furniture & Stuffed Toys. The amendment corrects a misspelling.

4101:6-1-12:

This rule provides industry-specific definitions for terms used in relation to down and feather fillings used in Bedding, Upholstered Furniture & Stuffed Toys. The amendment corrects a misspelling.

4101:6-1-17:

This rule provides industry-specific definitions for terms used in relation to miscellaneous fillers used in Bedding, Upholstered Furniture & Stuffed Toys. The amendment corrects two misspellings.

4101:6-1-25:

This rule specifies and clarifies the authority and process to be used by the Superintendent of Industrial Compliance for enforcing the terms, conditions and prohibitions set forth in the code and rules for bedding, upholstered furniture and stuffed toys.

The Department will conduct a public hearing on the proposed rules on May 29, 2015 at 9:00 a.m./p.m. at the offices of the Division of Industrial Compliance, 6606 Tussing Road, Front Conference Room, Reynoldsburg, Ohio 43068-9009.

The proposed rules are available by contacting the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068, by calling (614) 644-3294. The proposed rules are also available at the following website: www.registerofohio.state.oh.us.

At the public hearing, any person affected by the proposed actions may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule or amendments, if adopted or effectuated, will be unreasonable or unlawful.

Any person who wishes to present his or her position, arguments or contentions in writing may do so by mailing his or her written comments to the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068. Written comments may also be submitted at the hearing. All written comments must be submitted to the Department no later than 5:00 pm. May 29, 2015. Written comments submitted after this date may be considered as time and circumstances permit.

The Ohio Department of Commerce is an equal opportunity service provider.