**R70. Agriculture and Food, Regulatory Services.**

**R70-101. Bedding, Upholstered Furniture, and Quilted Clothing.**

**R70-101-1. Authority and Purpose.**

Pursuant to Section 4-10-103, this rule establishes the standards, practices, and procedures for the manufacture, repair, sale, and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials.

**R70-101-2. Definitions.**

This rule defines the following terms in addition to the terms in Section 4-10-102:

(1) "Clean" means free from stains, dirt, trash, filth, pulp, sludge, oil, grease, fat, skin, epidermis, excreta, vermin, insects, insect eggs, insect carcasses, contamination, hazardous materials, or residual or objectionable substances or odors.

(2) "Department" means the Utah Department of Agriculture and Food.

(3) "Digital Law Label "or "Digital Textile Label" means an electronic copy of the applicable law label or textile label that mirrors the label attached to the article.

(4) "Law Label" means a label attached to new bedding or upholstered furniture that provides specific information about the product to the consumer and meets the requirements of this rule.

(5) "Made to Order" or "MTO" means a manufacturing process of upholstered furniture in which the production of an item begins after a consumer or retailer places an order and includes articles with consumer options that could impact the final law label.

(6) "Made to Stock" or "MTS" means a traditional production method used to produce articles either before or after the consumer places the order that the retailer may stock as inventory or display through an online retailer until the consumer purchases them and includes articles produced with consumer options that do not impact the final law or textile label.

(7) "Manufacture" means the making, processing, or preparing of new or secondhand bedding, upholstered furniture, quilted clothing, or filling material.

(8) "Manufacturer" means a person who makes or has employees make any bedding, upholstered furniture, quilted clothing, filling material, or any part.

(9) "Non-resident" means a person permitted under this rule who does not have premises in Utah.

(10) "Online Retailer" means a person or a company that sells articles to a consumer via the Internet or another electronic network.

(11) "Online sales" means the process of selling articles through the Internet, where customers can browse products, make purchases, and complete transactions using digital platforms or an online marketplace.

(12) "Person" means an individual, partnership, association, firm, auctioneer, trust, limited liability company, or corporation.

(13) "Premises" means a place that sells bedding, upholstered furniture, quilted clothing, or filling material, or offers for sale, exposes for sale, stores, renovates, or manufactures, and includes the delivery vehicle used to transport articles.

(14) "Supply dealer" means a person who manufactures, processes, or sells at wholesale any felt, batting, pads, or other fillings, loose in a bag, in a bale or a container, concealed or not concealed, intended for use in bedding, upholstered furniture, or quilted clothing.

(15) "Second Hand Law Tag" or " Tag" means a tag attached to a product or filling material that has previously been used.

(16) "Sterilization Permit Number" means the number a state may issue to identify the sterilizing facility, person, or company and certifies that the filling material is safe for consumer use.

(17) "Sterilize" means a process used to make wool, feathers, down, shoddy, or hair free from bacteria or any other living microorganism.

(18) "Sterilizer" means a person who sterilizes wool, feathers, down, shoddy, or hair.

(19) "Textile Label" means a label attached to a new quilted clothing product that provides information required in 16 CFR Parts 300, 301, 303, and this rule.

(20) "Uniform Registry Number" or "URN" means the number issued by a state to be used on the law label of bedding, upholstered furniture, or filling material to identify the manufacturing facility, person, or company.

**R70-101-3. Application of Rule.**

This rule shall apply to any person engaged in the business of manufacturing, retailing, online retailing, wholesaling, processing, repairing, sterilizing, and selling items of bedding, upholstered furniture, quilted clothing, and filling material, regardless of their point of origin.

**R70-101-4. Permit Requirements for Manufacturers, Repairers, and Wholesalers.**

(1) A person who advertises, solicits, or contracts to manufacture or repair bedding, upholstered furniture, or filling material shall secure a permit from the department before offering to sell the product in Utah.

(2) A person who advertises, solicits, or contracts to manufacture quilted clothing shall secure a permit from the department before the person offers articles for sale in Utah.

(3) A person seeking a permit shall provide the following to the department:

(a) a completed permit form; and

(b) a sample of the law label that will be used.

(4) The department may exempt a wholesaler dealer of bedding, upholstered furniture, or a manufacturer of quilted clothing from providing a sample law label or sample textile label, respectably.

(5)(a) The department shall assess an annual permit fee.

(b) The applicant shall pay the fee before January 1, or the department shall include a late fee with the permit fee.

(6) Each person who conducts business under multiple state-issued URNs or permits shall obtain a permit for each number used on articles for sale in Utah.

(7) A person's license or permit shall be current with the state that issues the URN for the number to be valid in Utah.

**R70-101-5. Sterilization Permit Requirements for Sterilizers.**

(1) A person who advertises, solicits, or contracts as a sterilizer shall secure a sterilization permit from the department before offering to sell sterilized products in Utah.

(2) A person applying for a sterilization permit shall provide the department with a sterilization permit application completed by a department authorized third party inspector.

(3)(a) The department shall assess an annual sterilization permit fee.

(b) Each applicant shall pay the fee before January 1, or the department shall charge a late fee with the sterilization permit fee.

(4)(a) Each sterilization permittee's facility shall be inspected every three years.

(b) A permittee shall submit a copy of the inspection report to the department with the renewal form for that year.

**R70-101-6. Revocation of Permit.**

(1) The department shall have the authority to suspend or revoke a permit for any violation of this rule.

(2) A suspension or revocation shall be in accordance with Section 4-1-106.

**R70-101-7. Sanitation Requirements.**

(1) A permittee or retailer shall keep the premises, delivery equipment, machinery, and any appliances, articles, and devices free from refuse, dirt, contamination, or insects.

(2) A permittee may not use in the making, repairing, or renovating of bedding, upholstered furniture, or quilted clothing any filling material that:

(a) contains any insect, vermin, or filth;

(b) is not clean; or

(c) contains burlap or other material used for baling.

(3) A permittee or retailer shall store bedding, quilted clothing, and filling material four inches off the floor on the premises.

(4) A permittee or retailer shall store new and used articles separately.

**R70-101-8. Sterilization Requirements for New Fill Material.**

(1) A sterilizer shall clean and sterilize any wool, feathers, down, shoddy, and hair before using it as a new filling material.

(2) The department allows the following methods for sterilization.

(a)(i) Pressure Steam.

(ii) Expose the material to treatment by steam at 15 PSI (.104 mPA) for 30 minutes or 20 PSI (.0138 mPA) for 20 minutes.

(iii) The gauge for registering steam pressure shall be visible from the outside of the room or chamber.

(b)(i) Streaming Steam.

(ii) Two applications of streaming steam maintained for one hour each, applied at intervals using not less than six nor more than 24 hours.

(iii) When streaming steam is employed, the valved outlets shall be provided near the bottom and the top of the room or chamber.

(c)(i) Heat.

(ii) A temperature of 235 degrees F held for two hours within a closed container.

(3) Upon request, the department may approve other methods of sterilization.

**R70-101-9. Manufacturing, Wholesale, Sterilizers, and Supply Dealer Textile Labeling Requirements for Quilted Clothing.**

(1) The department incorporates by reference the March 8, 2024, version of 16 CFR Parts 300, 301, and 303.

(2) Articles of plumage-filled clothing shall meet the following textile label requirements.

(a)(i) Any label stating that an article of clothing contains down, Goose Down, or Duck Down shall also state the minimum percentage of down, Goose Down, or Duck Down contained in the article.

(ii) The down label is a general label and shall include in parentheses the minimum percentage of down in the product, which shall be 75% or greater.

(b)(i) "Down and Waterfowl Feathers" text may designate any plumage product containing between 50% minimum and 74% down and plumules.

(ii) The sewn in label and hang tags shall state both percentages.

(c)(i) "Waterfowl Feathers and Down" may designate any plumage product containing between 5% minimum and 49% down and plumules.

(ii) The sewn in label and hang tags shall state both percentages.

(d) "Waterfowl Feathers" may designate any plumage product containing less than 5% down and plumules.

(e) The department may not permit the use of quill feathers unless disclosed on the textile label.

(f) The textile label shall separately list each component, in order of predominance, any other plumage products that do not meet the requirements for any of the listed categories from Subsection R70-101-9(2).

(3) The textile label shall list the sterilization permit number as "PER. NO. ".

(4) A textile label shall contain the same form of identification as supplied to the department with the permit application.

(5) The textile label shall be easily accessible to the consumer for examination.

**R70-101-10. Filling Material.**

(1) A permittee shall use the terms or definitions of a filling material approved by the International Association of Bedding Law Officials except as otherwise required by this rule.

(2) Pursuant to Subsection 4-10-107(6)(a), a manufacturing facility may use the term "recycled" for items containing down or feather if the facility:

(a)(i) is Global Recycled Standard (GRS) or Recycled Claim Standard (RCS) certified, and provides:

(ii) proof of GRS or RCS certification to the department on the permit form; and

(iii) a copy of the certificate or the certification number on the invoice to the retailer for each lot or batch of filling material;

(b) certifies under another industry accepted standard consistent with the International Organization for Standardization ISO 17065 and provides documentation to the department.

(3) Upon request, a manufacturing facility shall provide a copy of the certificate or the certification numbers for each batch or lot to the department.

(4) Plumage material shall follow the standards that the "USA-2000 Labeling Standards- Down and Feather Products" outlines and this rule incorporates by reference.

(5) Any other filling material shall be clean.

(6) The tag or label must state "Imperfect, irregular foam" which means any foam product that shows a major imperfection or that falls below the foam manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the foam.

(7) The tag or label must state "Imperfect, irregular fibers" which means any fiber that has an imperfection or that falls below the fiber manufacturer's usual standards or specifications as "imperfect" or "irregular" along with the generic name of the fiber.

(8) The qualifying statement may not use the terms "Prime," "Super," "Northern," and similar terms unless the fill can prove to be of superior quality and meet the terms of the qualifying statement.

**R70-101-11. Generic Names, Grades, Descriptive Terms, and Definitions of Filling Material.**

(1) The law label or textile label shall describe the filling material using the following:

(a) true generic name;

(b) grade;

(c) description terms; or

(d) definition of the filling material approved by the department.

(2)(a) When a mixture uses more than one kind of filling material, the label shall list the percentage by weight in order of predominance, per Subsection 4-10-107(2).

(b) Federal fiber tolerance standards are applicable, except as pertains to a plumage product.

(c) In accordance with Section R70-101-10, describe any blends used in the filling material.

(d)(i) Quilted clothing articles may use different filling materials for different parts of the article.

(ii) The textile label shall name the areas of the article followed by the name of the filling material used in that specific area.

**R70-101-12. Law Label Requirements for Bedding and Upholstered Furniture.**

(1)(a) Any article of bedding or upholstered furniture shall have a law label that uses the format adopted by the International Association of Bedding and Furniture Law Officials (IABFLO), as listed in the Manual of Labeling Laws of the International Sleep Products Association, 2024 edition, which this rule incorporates by reference.

(2) The law label for a newly manufactured product, including an article that is MTS or MTO, shall meet the following requirements:

(a) white on each side of the law label;

(b) made of material that cannot be easily torn;

(c) printed in black ink;

(d) printed in English;

(e) printed clearly and legibly; and

(f) firmly attached to the article.

(3) Required information shall be printed on one side of the law label with the opposite side remaining blank.

(4) Each law label shall include the following, in order:

(a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the law label in capital letters no less than 1/8 inches in height;

(b) the phrase "ALL NEW MATERIAL" in bold, capital letters no less than 1/8 inch in height, followed by the phrase "CONSISTING OF", no case or height requirements, followed by the filling contents in bold capital letters no less than 1/8 inch in height;

(c) the words "CONTENTS STERILIZED" in bold capital letters no less than 1/8 inch in height;

(d)(i) The URN of the final assembler of the article;

(ii) The department only allows one URN on the attached law label although a digital law label may display multiple URNs;

(e) the sterilization permit number of the sterilization facility that obtained the material, in bold capital letters no less than 1/8 inch in height;

(f) the phrase, "Certification is made by the manufacturer that the materials in this article are described in accordance with law"; and

(g) the name and complete address of the manufacturer, importer, or distributor of the article.

(5)(a) The law label shall be easily accessible to the consumer for examination.

(b) A product for sale in a box or in other packaging that makes a law label inaccessible shall reproduce a legible facsimile of the law label on the outer container or covering.

(6) A person may not place any other mark, label, printed matter, illustration, sticker, or device placed on the law label.

(7) The form of identification used on a law label shall be the same as those supplied to the department in a permit application.

**R70-101-13. Online Sales Requirements.**

The following requirements apply beginning on May 15, 2025.

(1) Online retailers of quilted clothing shall display information that satisfies the requirements of Section R70-101-9 for each article, so it is easily accessible for the consumer to examine before purchase.

(a) Quilted clothing articles may have the digital textile label, or equivalent information, displayed or hyperlinked, on each article landing page in:

(i) the product description, or its equivalent;

(ii) the product specifications, or its equivalent;

(iii) an image gallery or carousel; or

(iv) another specific location approved by the department.

(b) The department may approve displaying multiple textile labels on one document.

(2) If an online retailer of quilted clothing elects not to display a digital textile label in accordance with Subsection R70-101-13(1), they shall provide a hyperlink to the following information in a format determined by the online retailer for each article:

(a) applicable filling material as required in Section R70-101-9;

(b) the form of identification that is used on a textile label shall be the same identification supplied to the department in a permit application; and

(c) any applicable sterilization permit number.

(3) Online retailers of bedding and upholstered furniture shall display information that satisfies the requirements of Section R70-101-12 for each article, so it is easily accessible for the consumer to examine before purchase.

(a) Bedding and upholstered furniture articles may have the digital law label, or equivalent information, displayed or hyperlinked, on each article landing page in:

(i) the product description, or its equivalent;

(ii) the product specifications, or its equivalent;

(iii) an image gallery or carousel; or

(iv) another specific location approved by the department.

(b) The department may approve displaying multiple law labels on one document.

(4) If an online retailer of bedding or upholstered furniture elects not to display a digital law label in accordance with Subsection R70-101-13(3), they shall provide a hyperlink to the following information in a format determined by the online retailer for each article:

(a) applicable filling material as required in Subsection 4-10-107(2) and Sections R70-101-10 and R70-101-11;

(b) any applicable URN; and

(c) any applicable sterilization permit number.

(5) MTO articles ordered in a brick and mortar location are exempt from digital law label requirements under this section.

**R70-101-14. Second Hand Tagging Requirements.**

(1) A tag for a second hand article shall be:

(a) a minimum of two inches by three inches;

(b) yellow on both sides of the tag;

(c) made of material that cannot be easily torn;

(d) printed in English;

(e) printed in black ink;

(f) printed clearly and legibly; and

(g) comply with Subsection 4-10-110(2)(b).

(2) The required information shall be printed on one side of the tag, with the opposite side remaining blank.

(3) A second hand tag shall contain the following information, in order:

(a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;

(b) the phrase, "THIS ARTICLE CONTAINS SECOND HAND MATERIAL CONSISTING OF CONTENTS UNKNOWN". The words "SECONDHAND MATERIAL" and "CONTENTS UNKNOWN" shall be in capital letters, size not less than 1/8 inches in height;

(c) the phrase, "Certification is made that the materials in this article are described in accordance with law"; and

(d) the store name and complete corporate address.

(4) A tag shall be easily accessible to the consumer for examination.

(5) A tag may not contain marks, labels, printed matter, illustrations, stickers, or any other device.

**R70-101-15. Tagging Requirements for Repaired, Reupholstered, and Renovated Products.**

(1) A tag for a repaired, reupholstered, or renovated product shall:

(a) be a minimum of two inches by three inches;

(b) be yellow on both sides of the tag;

(c) be made of material that cannot be easily torn;

(d) have the required information printed on one side of the tag with the opposite side remaining blank;

(e) be printed in English;

(f) be printed in black ink;

(g) be printed clearly and legibly; and

(h) be firmly attached to the article.

(2) A tag for a repaired, reupholstered, or renovated product shall contain the following information, in order:

(a) the phrase, "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;

(b) the phrase, "THIS ARTICLE IS NOT FOR SALE OWNER'S MATERIAL" in bold in capital letters, no less than 1/8 inch in height;

(c) the phrase, "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN THE ACCORDANCE WITH LAW, AND CONSIST OF THE FOLLOWING:" followed by a description of the filling material;

(d) a description of the work that was done on the product;

(e) the URN number;

(f) the name and address of the renovator or repairer; and

(g) the date of pick-up, owner's name, and address.

**R70-101-16. Used Mattresses.**

(1) A retailer selling a customer returned, refurbished, or used mattress shall follow the second hand tag requirements listed in Section R70-101-14.

(2) In addition, a retailer shall also display a tag on the mattress stating "USED" in bold capital letters.

(3) The USED tag shall:

(a) be a minimum of three inches by six inches;

(b) be yellow on both sides of the tag;

(c) use a font that is a minimum of one inch in height;

(d) be printed in black ink; and

(e) be printed in English.

(4) The tag with the required information shall be printed on one side of the tag, with the opposite side remaining blank.

(5) The USED tag shall be clearly visible to the consumer.

(6) A retailer selling used bedding, including used mattresses shall comply with Subsection 4-10-110(2).

**R70-101-17. Variance.**

(1) The department may issue a variance on law or textile label and tag requirements.

(2)(a) A permittee may request a variance to the department in writing.

(b) The variance shall contain the following information:

(i) the product associated with the variance request;

(ii) where the variance will be used;

(iii) an explanation of the need for a variance;

(iv) a description of the application of the variance in practice; and

(v) an example of the substitute law or textile label or tag that will be used instead of the required label or tag.

(3) The department shall give approval of a variance in writing.

(4) A variance shall be subject to a period of review.

**R70-101-18. Making or Selling Material or Parts.**

A permittee may not purchase, make, process, prepare, or sell, directly or indirectly, at wholesale or retail, or otherwise, any filling material or other component parts to be used in bedding, upholstered furniture, or quilted clothing without appropriately tagging the material.

**R70-101-19. Retailer Responsibilities.**

(1) A retailer, including online retailers, shall ensure the following:

(a) any article of bedding, upholstered furniture, quilted clothing, or filling material sold by the retailer is labeled and tagged correctly;

(b) the label complies with state law and the department's rules governing false and misleading advertisements;

(c) the manufacturer from whom a retailer purchases a product has a valid permit with the department;

(d) the importer from whom a retailer purchases a product has a valid permit with the department; and

(e) the law label or textile label is easily accessible to the consumer for examination before purchase.

(2) Upon request of the department, a retailer shall provide the identity of the manufacturer or wholesaler of an article of bedding, upholstered furniture, quilted clothing, or filling material sold.

(3) A retailer may apply for a permit in lieu of a manufacturer or wholesaler if the department has not permitted the manufacturer or wholesaler.

(4) A retailer shall ensure that bedding or filling material using the term "recycled" meets the requirement listed in Subsection R70-101-10(2)

**R70-101-20. Violations.**

(1) Each improperly labeled or tagged article of bedding, upholstered furniture, quilted clothing, or filling material made or sold shall be a separate violation of this rule.

(2) No permittee or retailer shall be in violation if that permittee or retailer received, from the manufacturer or supplier of an article, a guarantee in good faith that the article is not contrary to this rule in the form prescribed by the Textile Fiber Products Identification Act,15 U.S.C. 70, Wool Products Labeling Act, 15 U.S.C. 68, and related Federal Trade Commission rules.

(3) A permittee or retailer may not remove, or cause to be removed, any tag, or device placed upon any article of bedding, upholstered furniture, quilted clothing, or filling material by an inspector.

(4) A permittee or retailer may not remove condemned articles that the department has ordered held on an inspection notice.

(5) A permittee or retailer may not interfere with, obstruct, or hinder the performance of the department inspector's duties.

(6) The department may withhold from sale any article of bedding, upholstered furniture, quilted clothing, or filling material that a manufacturer or wholesaler produces or wholesales with a permit until the manufacturer or wholesaler obtains the required permit.

(7) No permittee may use the term "recycled" for bedding or filling material unless the product meets the requirements of Subsection R70-101-10(2).

**R70-101-21. Products Not Intended for Use Subject to This Rule.**

The Commissioner may exclude from this rule a textile fiber product:

(1) that has an insignificant or inconsequential textile fiber content; or

(2) if the disclosure of the textile fiber content is not necessary for the protection of the consumer.

**KEY: inspections, labeling, quality control, registration**

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