**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, and Subsections 4-10-113(2) and 4-10-114(2), 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) "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.

(3) "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.

(4) "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 in a container, concealed or not concealed, intended for use in bedding, upholstered furniture, or quilted clothing.

(5) "Second Hand Law Tag" or " Tag" means a tag attached to a previously used product or filling material.

(6) "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.

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

(8) "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.

(9) "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, 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, or quilted clothing, shall secure a permit from the department before offering to sell the product in Utah.

(2) To obtain a permit, a person shall provide the following to the department:

(a) a completed permit form; and

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

(3)(a) The department may exempt a wholesaler of bedding or upholstered furniture from providing a sample law label.

(b) The department may exempt a manufacturer of quilted clothing from providing a sample textile label.

(4) The applicant shall pay the renewal fee on or before December 31, or the department shall include a late fee with the permit fee.

(5) 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.

(6) 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) To obtain a sterilization permit, a person shall provide the department with a complete:

(a) sterilization permit application;

(b) sterilization inspection report completed by a department authorized third party inspector; and

(c) sterilization permit fee.

(3) Each applicant shall pay the renewal fee on or before December 31, 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 or retailer shall separately store new and used articles.

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

(1) 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.

(2) 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 permittee may use the term "recycled" on a label for items containing down or feather if the permittee maintains a valid certification under the Global Recycled Standard (GRS) or Recycled Claim Standard (RCS), and provides:

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

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

(3) The permittee may maintain a valid certification under another industry accepted standard consistent with the International Organization for Standardization ISO 17065 and provide documentation to the department.

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

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

(6) Any other filling material shall be clean.

(7) 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.

(8) 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.

(9) The qualifying statement may not use the terms "Prime," "Super," "Northern," and similar terms that imply superior unless the filling material 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) 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).

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

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

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

(b) 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 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) the URN of the final assembler of the article;

(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. 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) firmly attached to the article.

(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.

**R70-101-14. 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.

**R70-101-15. Used Mattresses.**

(1) A retailer selling a customer returned, refurbished, or used mattress shall follow the second hand tag requirements listed in Section R70-101-13.

(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).

**R70-101-16. Variance.**

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

(2)(a) A permittee may request a variance from 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 approve a variance in writing.

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

**R70-101-17. Retailer Responsibilities.**

(1) A retailer 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.

(2) A retailer shall, upon request of the department, provide the identity and business contact information of the manufacturer, importer, or wholesaler of any article of bedding, upholstered furniture, quilted clothing, or filling material, the retailer offers for sale.

(3) A retailer may not sell an article from a manufacturer, importer, or wholesaler that is not permitted by the department, unless the retailer obtains a permit in lieu of a 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).

**R70-101-18. Violations.**

(1) A person's failure to comply with Title 4, Chapter 10 Bedding, Upholstered Furniture, and Quilted Clothing Inspection Act, or this rule, constitutes a violation.

(2) Each article of bedding, upholstered furniture, quilted clothing, or filling material that is manufactured, tagged, or sold in violation of the Act or this rule shall constitute a separate violation.

(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 the department.

(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, sterilizer, or wholesaler produces without a permit until the manufacturer, sterilizer, or wholesaler obtains the required permit.

**R70-101-19. 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, bedding, upholstered furniture, law labels, filling material**

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