

1 **TITLE XXI—COVID-19 REGU-**  
2 **LATORY RELIEF AND WORK**  
3 **FROM HOME SAFETY ACT**

4 **SEC. 2101. COVID-19 REGULATORY RELIEF AND WORK**  
5 **FROM HOME SAFETY ACT.**

6 (a) **SHORT TITLE.**—This title may be cited as the  
7 “COVID-19 Regulatory Relief and Work From Home  
8 Safety Act”.

9 (b) **DEFINITIONS.**—In this Act—

10 (1) the term “bedding product” means—

11 (A) an item that is used for sleeping or  
12 sleep-related purposes; or

13 (B) any component or accessory with re-  
14 spect to an item described in subparagraph (A),  
15 without regard to whether the component or ac-  
16 cessory, as applicable, is used—

17 (i) alone; or

18 (ii) along with, or contained within,  
19 that item;

20 (2) the term “California standard” means the  
21 standard set forth by the Bureau of Electronic and  
22 Appliance Repair, Home Furnishings and Thermal  
23 Insulation of the Department of Consumer Affairs of  
24 the State of California in Technical Bulletin 117–  
25 2013, entitled “Requirements, Test Procedure and

1 Apparatus for Testing the Smolder Resistance of  
2 Materials Used in Upholstered Furniture”, originally  
3 published June 2013, as in effect on the date of en-  
4 actment of this Act;

5 (3) the terms “foundation” and “mattress”  
6 have the meanings given those terms in section  
7 1633.2 of title 16, Code of Federal Regulations, as  
8 in effect on the date of enactment of this Act; and

9 (4) the term “upholstered furniture”—

10 (A) means an article of seating furniture  
11 that—

12 (i) is intended for indoor use;

13 (ii) is movable or stationary;

14 (iii) is constructed with an uphol-  
15 stered seat, back, or arm;

16 (iv) is—

17 (I) made or sold with a cushion  
18 or pillow, without regard to whether  
19 that cushion or pillow, as applicable,  
20 is attached or detached with respect  
21 to the article of furniture; or

22 (II) stuffed or filled, or able to be  
23 stuffed or filled, in whole or in part,  
24 with any material, including a sub-  
25 stance or material that is hidden or

1                   concealed by fabric or another cov-  
2                   ering, including a cushion or pillow  
3                   belonging to, or forming a part of, the  
4                   article of furniture; and

5                   (v) together with the structural units  
6                   of the article of furniture, any filling mate-  
7                   rial, and the container and covering with  
8                   respect to those structural units and that  
9                   filling material, can be used as a support  
10                  for the body of an individual, or the limbs  
11                  and feet of an individual, when the indi-  
12                  vidual sits in an upright or reclining posi-  
13                  tion;

14                  (B) includes an article of furniture that is  
15                  intended for use by a child; and

16                  (C) does not include—

17                         (i) a mattress;

18                         (ii) a foundation;

19                         (iii) any bedding product; or

20                         (iv) furniture that is used exclusively  
21                         for the purpose of physical fitness and ex-  
22                         ercise.

23                  (c) ADOPTION OF STANDARD.—

24                         (1) IN GENERAL.—Beginning on the date that  
25                         is 180 days after the date of enactment of this Act,

1 and except as provided in paragraph (2), the Cali-  
2 fornia standard shall be considered to be a flamma-  
3 bility standard promulgated by the Consumer Prod-  
4 uct Safety Commission under section 4 of the Flam-  
5 mable Fabrics Act (15 U.S.C. 1193).

6 (2) TESTING AND CERTIFICATION.—A fabric,  
7 related material, or product to which the California  
8 standard applies as a result of paragraph (1) shall  
9 not be subject to section 14(a) of the Consumer  
10 Product Safety Act (15 U.S.C. 2063(a)) with re-  
11 spect to that standard.

12 (3) CERTIFICATION LABEL.—Each manufac-  
13 turer of a product that is subject to the California  
14 standard as a result of paragraph (1) shall include  
15 the statement “Complies with U.S. CPSC require-  
16 ments for upholstered furniture flammability” on a  
17 permanent label located on the product, which shall  
18 be considered to be a certification that the product  
19 complies with that standard.

20 (d) PREEMPTION.—

21 (1) IN GENERAL.—Notwithstanding section 16  
22 of the Flammable Fabrics Act (15 U.S.C. 1203) and  
23 section 231 of the Consumer Product Safety Im-  
24 provement Act of 2008 (15 U.S.C. 2051 note), and  
25 except as provided in subparagraphs (B) and (C) of

1 paragraph (2), no State or any political subdivision  
2 of a State may establish or continue in effect any  
3 provision of a flammability law, regulation, code,  
4 standard, or requirement that is designed to protect  
5 against the risk of occurrence of fire, or to slow or  
6 prevent the spread of fire, with respect to uphol-  
7 stered furniture.

8 (2) PRESERVATION OF CERTAIN STATE LAW.—  
9 Nothing in this Act or the Flammable Fabrics Act  
10 (15 U.S.C. 1191 et seq.) may be construed to pre-  
11 empt or otherwise affect—

12 (A) any State or local law, regulation,  
13 code, standard, or requirement that—

14 (i) concerns health risks associated  
15 with upholstered furniture; and

16 (ii) is not designed to protect against  
17 the risk of occurrence of fire, or to slow or  
18 prevent the spread of fire, with respect to  
19 upholstered furniture;

20 (B) sections 1374 through 1374.3 of title  
21 4, California Code of Regulations (except for  
22 subsections (b) and (c) of section 1374 of that  
23 title), as in effect on the date of enactment of  
24 this Act; or

25 (C) the California standard.