



**Department  
of Commerce**

Division of Industrial Compliance

John R. Kasich, Governor

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# **REQUIREMENTS** **FOR** **SECONDHAND** **ARTICLES**

Any person selling secondhand articles of bedding, upholstered furniture, stuffed toys and filling materials that have been put to bodily use, are not clean or are unsanitary in any way, shall not sell these items unless they are sanitized by a method or process that has been approved by the Division of Industrial Compliance.

No person shall sell, offer for sale, lease or have in their possession for sale any article of secondhand bedding, upholstered furniture, or stuffed toys unless they first remove the original tag or law label and securely attach a secondhand tag or label, where clearly visible, that meets the requirements of the law.

The possession of any article of bedding or stuffed toy in the course of business by a person required to obtain registration under this chapter, or by that person's agent or servant shall be prima-facie evidence of the person's intent to sell the article of bedding or stuffed toy.

The label material shall be cloth, tyvek or heavy paper, yellow in color and not less than three inches by five inches in size. The printing shall be black and the type not less than one-fourth of an inch high.

The wording on the label shall state:

**ALL SECONDHAND MATERIAL  
CONTENTS UNKNOWN  
THIS ITEM HAS BEEN SANITIZED**

## **DEFINITION OF BEDDING, FURNITURE & TOYS:**

1. "BEDDING" means any upholstered furniture, any mattress, upholstered spring, comforter, bolster, pad, cushion, pillow, mattress protector, quilt, and any other upholstered article, to be used for sleeping, resting, or reclining purposes, and any glider, hammock, or other substantially similar article that is wholly or partly upholstered.
2. "UPHOLSTERED FURNITURE" means any article of furniture wholly or partly stuffed or filled with material and that is used or intended for use for sitting, resting, or reclining purposes.
3. "STUFFED TOY" means any article intended for use as a plaything or for an educational or recreational purpose that is wholly or partially stuffed with material.
4. "SECONDHAND ARTICLE" means any article which has been put to bodily use by, on or about any person or animal and sold, leased or offered for sale.
5. "SECONDHAND MATERIAL" means any material which has been put to use and is not **NEW**.

## **PROHIBITED FILLING MATERIALS**

No person shall use any material to make any article of bedding, upholstered furniture or stuffed toy for sale, resale or lease that contains the following:

1. Any material that contains bugs, vermin, insects, filth or any type of hazardous waste.
2. Any material that is unsanitary.
3. Any material that contains burlap or other materials which have been used for bailing or packing.
4. Any secondhand filling material, unless such material has been thoroughly sanitized by a process approved by the Division of Industrial Compliance.

No person shall use filling material that comes from an animal or fowl unless it complies with all sanitation provisions of the Division of Industrial Compliance.

**NOTE:**

Any secondhand bedding, upholstered furniture, stuffed toy, secondhand filling material, or other component parts to be used in the making of above said articles, received from companies located outside the State of Ohio shall also comply with all sanitation provisions of the Division of Industrial Compliance.

**HOW TO SANITIZE**

The most popular method in use today is the “Spraying Process.” Only chemicals approved by the Division of Industrial Compliance may be used in the spraying method. At this time, there are two chemicals that meet with approval: *SteriFab and MicroBan X-590*.

Both chemicals are germicidal and have an insecticide additive. These two substances contain a non-toxic and non-flammable crystal that can be detected by state inspectors using a magnified ultra-violet lamp.

The spraying process can be performed at the place of business in a separate well-ventilated room. The room shall be isolated from other parts of the establishment and ventilated to the outside by either natural or mechanical means. Proper application of the chemical shall be in accordance with the manufacturer’s specifications. The spraying operator is required to use an approved type mask to prevent inhalation of the chemical. Proper eye protection and gloves impervious to the spray should be worn.

Any hand or power-operated spraying device may be used to apply the approved solution. Any material or article that is required to be sanitized shall be thoroughly sprayed over all surfaces and in all crevices and corners. If an article is being renovated for resale, the frame of the article shall be thoroughly sprayed also.

The chemical must be shaken thoroughly before pouring into any spraying device. Continue to shake the sprayer often during the spraying process. Adjust spraying device to a heavy mist spray, do not spray article with a stream.

After the materials or articles have been sprayed they shall remain in the isolated spraying room for not less than thirty (30) minutes after treatment. Mattresses that have been sprayed shall be stored approximately twelve (12) inches from the floor and spaced four (4) inches apart to allow free air circulation on all sides while drying.

The storage area for new and sanitized items shall be clean and free from trash, vermin, insects, filth or any type of hazardous waste. New or sanitized articles shall be kept separate at all times from any secondhand articles or material that has not been sanitized.

## **RECORDKEEPING**

A record or log book must be maintained at the business location. These records must include:

1. Date and number of items sanitized.
2. Type of items sanitized; bedding, upholstered furniture or stuffed toys.
3. Purchase records of chemicals used; including date, quantity, name, address and phone number of the vendor or supplier of the chemical.
4. The name of the individual or company that sanitized the articles.
5. All records shall be retained for a period of not less than two (2) years from the date the article was sanitized.