

1 Project 5745 - none

2 DEPARTMENT OF HEALTH  
3 Amend Bedding Regulations following Periodic Review

4  
5 CHAPTER 125  
6 REGULATIONS FOR BEDDING AND UPHOLSTERED FURNITURE INSPECTION PROGRAM  
7 12VAC5-125-10. Definitions.

8 The following words and terms ~~when~~ used in this chapter shall have the following meanings  
9 unless the context clearly indicates otherwise:

10 "Antique" means any product that is at least 75 years old.

11 "As is" means a sales term to describe bedding and upholstered furniture products as any  
12 condition other than in new or undamaged condition.

13 "Bedding" means any mattress, mattress pad, box spring, upholstered bed, davenport, futon,  
14 upholstered sofa bed, quilted pad, packing pads, hammock pad, comforter, quilt, bolster, cushion,  
15 pillow, featherbed, sleeping bag, studio couch, or any other bag, case, pillow, cushion, or cover  
16 made of leather, textile, or other material, that is stuffed or filled in whole or in part with concealed  
17 substance filling material, that and can be used by any a human being for sleeping or reclining  
18 purposes.

19 "Bedding Program" means the Bedding and Upholstered Furniture Inspection Program, a unit  
20 of the Virginia Department of Health authorized by the ~~commissioner~~ State Health Commissioner  
21 to carry out the duties and responsibilities of this chapter.

22 "Board" means ~~the State Board of Health~~.

23 "Commissioner" means ~~the State Health Commissioner, his duly designated officer or agent~~.

24 "Department" means ~~the State Department of Health~~.

25 "Designee" or "designated officer or agent" means any person or group of persons designated  
26 by the commissioner to act on his behalf.

27 "~~Distributor/wholesaler~~" "Distributor" means any person who receives bedding, upholstered  
28 furniture, or filling materials from another company inside the United States for the purpose of  
29 resale.

30 "Filling material" means cotton, wool, feathers, kapok, down, hair, liquid, plant or vegetable  
31 fibers, or any other material or substance or combination thereof, loose or in batting, pads, or in  
32 any prefabricated form, concealed or not concealed, ~~that is used or that may be~~ potentially used  
33 in articles of bedding or upholstered furniture.

34 "Health Commissioner" means the chief executive officer of the Board of Health or authorized  
35 agent.

36 "Importer" means any person who ~~for the purpose of manufacture or resale~~ receives from  
37 another company bedding, upholstered furniture, or filling material from any country other than  
38 the United States for the purpose of resale.

39 "~~Inspector~~" means ~~department employees designated by the commissioner to inspect,~~  
40 ~~examine, investigate, evaluate and conduct tests, review documentation, interview witnesses,~~  
41 ~~take samples and provide testimony in the enforcement of Title 32.1 of the Code of Virginia and~~  
42 ~~§ 59.1-200 of the Virginia Consumer Protection Act~~.

43 "Law label" means the tag bearing legal notice and information concerning the contents and  
44 manufacturing location as required by 12VAC5-125-90 ~~§ 32.1-219~~ of the Code of Virginia. A white  
45 tag certifies all new materials. A yellow label indicates used materials.

46 "License" means ~~permission authorization granted in accordance with § 32.1-217 of the Code~~  
47 ~~of Virginia by the Health Commissioner for every that allows a person manufacturing, importing,~~  
48 ~~distributing/wholesaling, processing or selling to manufacture, distribute, or import bedding and~~  
49 ~~upholstered furniture, or any filling materials to be used in new bedding and upholstered furniture,~~  
50 ~~and reupholstering or renovating bedding or upholstered furniture being returned to its original~~  
51 ~~owner.~~

52 "Licensing state" means any of the United States that require a manufacturer, importer,  
53 ~~distributor/wholesaler distributor,~~ supply dealer, sanitizer, reupholsterer, or renovator to apply for  
54 a license or permit in order to sell bedding and upholstered furniture products in that state.

55 "Manufacturer" means a person who, using new materials, makes or ~~has employees or~~  
56 employs agents who make any article of bedding or upholstered furniture in whole or in part, or  
57 who covers or upholsters any unit thereof.

58 "New" means not previously used for any purpose. Uncovered floor models and customer  
59 returns ~~shall not be~~ are not considered new. Manufacturing process, including manufacturing of  
60 reclaimed and reprocessed materials, shall not be considered prior use.

61 "Permit" means ~~consent authorization granted in accordance with § 32.1-216 of the Code of~~  
62 ~~Virginia to approve a process by the Health Commissioner that allows a person to sanitize or~~  
63 ~~sterilize filling material, or to sanitize, reupholster, or renovate secondhand bedding or~~  
64 ~~upholstered furniture by a person treating used products for resale.~~

65 "Person" means ~~an individual, corporation, partnership, association~~ any individual or group of  
66 individuals, named party, partnership, firm, private or public association or corporation, state,  
67 county, city, town, or anyone who by covenant, restriction, or agreement has care, control,  
68 custody, ownership, or management of property or parts thereof, or any combination of the above,  
69 or any other legal entity.

70 "Reclaimed and reprocessed" means filling materials recovered from sources that would have  
71 otherwise been disposed of as waste or used for energy recovery, and have been recovered as  
72 material input in lieu of virgin material, and reprocessed using a manufacturing process identical  
73 to the processing of like virgin material to quality and cleanliness standards comparable to non-  
74 reclaimed material. Reclaimed and reprocessed filling materials are considered new.

75 "Renovator" means a person who, either solely or through agents, rebuilds, repairs, makes  
76 ~~over, re-covers, recovers,~~ restores, renovates, or renews used secondhand bedding mattresses,  
77 and box springs.

78 "Retailer" means any person engaged in commerce who sells any article of bedding,  
79 upholstered furniture, or filling materials to a consumer ~~of the article as purchased.~~

80 "Reupholsterer" means a person who, ~~either by himself solely or through employees or~~  
81 agents, rebuilds, repairs, reupholsters, recovers, restores, or renews bedding (except mattresses  
82 and box springs) and upholstered furniture; or who makes to order and specification of the user  
83 any article of bedding (except mattresses and box springs) and upholstered furniture, using either  
84 new or secondhand materials, or the owner's materials.

85 "Sanitize" means to reduce the level of microbiological agents to a level not injurious to health.

86 "Sanitizer" means a person who, either solely or through agents, sanitizes articles of bedding  
87 or upholstered furniture.

88 "Secondhand" means ~~having been previously owned,~~ made prior use of, or containing any  
89 previously used filling material ~~of which prior use has been made,~~ or that has having been in a  
90 customer's possession outside of the place of purchase. Reclaimed materials or customer-  
91 purchased items in the uninterrupted possession of a retailer are not secondhand.

92 "Sell" or any of its variants tenses, includes means and includes any of, or any combination  
93 of; the following: to possess with an intent to sell, to sell, offer or expose for sale, barter, trade,

94 ~~deliver, delivery, give away, rent, rental, consign, lease, possess with an intent to sell or to dispose~~  
95 ~~of in any other commercial manner.~~

96 "Shoddy" means any material ~~that has been~~ spun into yarn, knit, or woven into fabric and  
97 subsequently, cut up, torn up, broken, or ground up.

98 "Shoddy pad" (also called "insulator pad") means a nonwoven material made from byproducts  
99 of textile or manufacturing processes ~~and is free from dirt, insects, and other contamination.~~

100 ~~"Soiled or torn" means articles of new or used bedding or upholstered furniture that contain~~  
101 ~~stains, dirt, ripped edges or covers, or damaged frames.~~

102 "Sterilize" means to render free of viable microbiological agents.

103 "Supply dealer" means a person who manufactures, processes, or sells any felt, batting, pads,  
104 woven or plastic fabrics, or loose material in bags or containers, concealed or not concealed, to  
105 be used ~~or that could be used~~ in articles of upholstered furniture or bedding.

106 "Uniform registry number" (also called "registration number", URN, and "REG. NO.") means  
107 a unique number assigned ~~to a licensee~~ by a licensing state to identify the name and ~~each~~ location  
108 of a manufacturer, reupholsterer, sanitizer, sterilizer, or renovator, or importer of bedding and  
109 upholstered ~~products~~ furniture. The Uniform Registry Number begins with the initials of the  
110 licensing state, followed by the assigned number, ~~then~~ and ends with the initials of the state or  
111 country where the manufacturer, reupholsterer, sanitizer, sterilizer, or renovator, or importer is  
112 physically located. Each location of a manufacturer, reupholsterer, sanitizer, sterilizer, or  
113 renovator, ~~or importer~~ uses only one Uniform Registry Number.

114 "Upholstered furniture" means any ~~article of furniture designed to be~~ item used for sitting,  
115 resting, or reclining by a human, including limbs, ~~that is~~ wholly or partly stuffed ~~or filled with any~~  
116 concealed filling material. Upholstered furniture may include, ~~but is not limited to~~, children's  
117 furniture, fitness and exercise equipment, ~~furniture used exclusively for the purpose of physical~~  
118 fitness and exercise, and medical equipment, ~~or furniture or seats in RVs, boats or automobiles.~~  
119 Upholstered furniture may be movable or stationary, ~~made or~~ and may be sold with loose or  
120 attached cushions or pillows, ~~loose or attached, or is itself stuffed or filled in whole or in part with~~  
121 ~~any substance or material, hidden or concealed by fabric or any other covering, including cushions~~  
122 ~~or pillows belonging to or forming a part thereof, together with the structural units, the filling~~  
123 ~~material and its container and its covering that can be used as a support for the body of a human~~  
124 ~~being, or his limbs and feet.~~

125 "Used" means bedding or upholstered furniture that has been previously owned or used by  
126 another person.

127 "Wholesaler" means ~~a person who, on his own account, sells any article of upholstered~~  
128 ~~furniture or bedding or filling materials to another for the purpose of resale.~~

129 ~~Filling material definitions will be in accordance with definitions published in the 2004 Edition~~  
130 ~~of the International Sleep Products Association Handbook.~~

131 **12VAC5-125-20. Administration. (Repealed.)**

132 A. ~~The board has the responsibility to promulgate, amend and repeal regulations necessary~~  
133 ~~to protect the public health and the environment.~~

134 B. ~~The State Health Commissioner is the chief executive officer of the State Department of~~  
135 ~~Health. In accordance with §§ 32.1-20 and 32.1-22 of the Code of Virginia, the commissioner has~~  
136 ~~the authority to act for the board when it is not in session, subject to such rules and regulations~~  
137 ~~as may be prescribed by the board, and may employ such personnel as are necessary for the~~  
138 ~~proper performance of his duties as executive officer of the board.~~

139 C. ~~In addition to other authority granted by law, the commissioner has the authority to do the~~  
140 ~~following:~~

- 141 1. Approve the process of sanitizing or sterilizing filling materials, bedding, or upholstered  
142 furniture.
- 143 2. Issue licenses/permits and assign a uniform registry number to importers,  
144 manufacturers, renovators, reupholsterers, or sanitizers.
- 145 3. Order the return of any item of bedding or upholstered furniture or any filling material  
146 made, remade, renovated, reupholstered, prepared, processed, labeled or not labeled in  
147 violation of the provisions of this chapter to the manufacturer or importer thereof.
- 148 4. Inspect the premises of a holder of a license or permit issued by the commissioner,  
149 subject to the requirements set forth at 12VAC5-125-80.
- 150 5. Refuse to issue, suspend or revoke the license or permit of any person (i) who violates  
151 any provision of this chapter, any regulation of the board pursuant to this chapter or any  
152 order of the board or commissioner or (ii) who is not a resident of the Commonwealth and  
153 fails or refuses to enter an appearance in any circuit court in the Commonwealth to answer  
154 a charge or charges of violation of any provision of this chapter, regulation of the board or  
155 order of the board or commissioner.

156 **12VAC5-125-30. Powers and procedures of chapter not exclusive. Compliance with the**  
157 **Virginia Administrative Process Act**

158 The board reserves the right to authorize a procedure for enforcement of this chapter that is  
159 not inconsistent with the provisions set forth herein and the provisions of Chapter 1 (§ 32.1-1 et  
160 seq.) of Title 32.1 of the Code of Virginia. The provisions of the Virginia Administrative Process  
161 Act (§ 2.2-4000 et seq. of the Code of Virginia) shall govern the promulgation and administration  
162 of this chapter, including the procedures for rendering and appealing any case decision.

163 **12VAC5-125-40. Exemptions.**

164 The provisions of this chapter shall not apply to:

- 165 1. Any item of bedding or upholstered furniture sold under the order of any court, in  
166 enforcement of lien or pursuant to § 55-419 of the Code of Virginia, or any sale settlement  
167 of a decedent's estate or any sale by any individual of his household effects.
- 168 2. Upholstered furniture and bedding products that are antiques as defined in 12VAC5-  
169 125-10. Any sale by any individual of their household effects, either directly to another  
170 individual, or through consignment.
- 171 3. Any interstate public carrier.
- 172 4. Any state institution, agency, or department, unless such institution, agency, or  
173 department manufactures, reupholsters, or renovates bedding or upholstered furniture  
174 and offers items for sale to the public—items of bedding or upholstered furniture  
175 manufactured, reupholstered or renovated by it.
- 176 5. Any retailer who sells, gives away, or rents used upholstered furniture that has been  
177 purchased by the retailer as new furniture and has been used in the course of business,  
178 when such used furniture ~~has been~~ is (i) conspicuously identified as used furniture and (ii)  
179 reduced in price, sold at auction, donated to charity, or made available for a rental fee,  
180 and so tagged.
- 181 6. Any person who sells at retail, exclusively on a consignment basis, articles of bedding  
182 ~~that are~~ handmade by individuals and whose gross annual receipts from the sale of such  
183 articles are not in excess of do not exceed \$2,000 shall be deemed to be the manufacturer  
184 of such articles and shall not be required to obtain a license to make such articles. Each  
185 such— However, each handmade article of bedding article shall have a securely attached  
186 label affixed stating the kind of filling materials used in such the article but shall be exempt  
187 from any other requirement as to tags set forth in this chapter.

188 Persons engaged in commerce, not otherwise exempt from this chapter as provided by this  
189 section, who donate secondhand articles of bedding and upholstered furniture are not required to  
190 sanitize those articles if the donation is to a holder of a valid sanitizing permit, and the articles are  
191 not represented as sanitized.

192

193 **12VAC5-125-50. Licenses, permits, and ~~registration~~uniform registry numbers.**

194 A. ~~Licenses for manufacturers, importers, distributors, wholesalers, renovators,~~  
195 ~~reupholsterers, supply dealers.~~ General Provisions.

196 1. ~~Every importer and every person manufacturing, renovating or reupholstering any~~  
197 ~~bedding or upholstered furniture or processing or selling any filling material to be used in~~  
198 ~~articles of bedding or upholstered furniture, such as a distributor/wholesaler or supply~~  
199 ~~dealer, shall first obtain a license from the commissioner for each place of business,~~  
200 ~~subsidiary, branch or branch factory operated or contracted by him for such purpose. Only~~  
201 ~~persons complying with the requirements of this chapter and §§ 32.1-212 through 32.1-~~  
202 ~~226 of the Code of Virginia shall receive or retain a license or permit.~~

203 2. ~~Such license shall be numbered; shall, unless sooner revoked, All licenses and permits~~  
204 ~~shall expire one year from the date of issue; shall be renewable annually through receipt~~  
205 ~~of a fee; and shall not be transferable. The commissioner shall assign a uniform registry~~  
206 ~~number to each licensee.~~

207 3. ~~Each branch, branch factory and subsidiary shall be responsible for the contents and~~  
208 ~~for the tagging, as provided in this chapter, of items of bedding and upholstered furniture~~  
209 ~~made, remade, renovated, reupholstered, or imported by it and offered for sale or use in~~  
210 ~~the Commonwealth. Licenses and permits are nontransferable and void upon change of~~  
211 ~~ownership or Federal Taxpayer Identification Number.~~

212 4. ~~Every person who, on his own account or for others, sells or distributes either directly~~  
213 ~~or indirectly to any person either at wholesale or retail any bedding, filling material, shoddy~~  
214 ~~pad, or upholstered furniture by means of a permanent location, car, truck, catalog, office,~~  
215 ~~Internet sales or in any other manner, shall obtain from the commissioner a license for~~  
216 ~~each such method of sale or distribution. A new license or permit is not required for a~~  
217 ~~change of company name or address; however, licenses and permits are void if a license~~  
218 ~~or permit holder fails to notify the Bedding Program of any address change within 30 days.~~  
219 ~~Reapplication for the purposes of having a new permit issued shall be the responsibility of~~  
220 ~~the former license or permit holder, and such reapplication shall be handled as an initial~~  
221 ~~application.~~

222 5. ~~Any person subject to this section doing business at the same address under more than~~  
223 ~~one firm name shall obtain a license or permit for each firm name.~~

224 B. Procedure for obtaining a license or permit.

225 1. ~~A person applying to obtain a license or permit shall submit an application on a form~~  
226 ~~provided by the Bedding Program. The required fee, as provided in 12VAC5-125-180,~~  
227 ~~shall be submitted together with the application.~~

228 2. ~~Before license or permit issuance, the Bedding Program must conduct one or more~~  
229 ~~preoperational inspections of all manufacturers, supply dealers, sterilizers, sanitizers,~~  
230 ~~reupholsterers, and renovators, located in the Commonwealth of Virginia, not licensed or~~  
231 ~~permitted in the previous year. This preoperational inspection must demonstrate the~~  
232 ~~manufacturer, supply dealer, sterilizer, sanitizer, reupholsterer, or renovator complies with~~  
233 ~~the requirements of this chapter.~~

234 C. Licenses.

235 Every manufacturer, importer, distributor, and supply dealer shall obtain a license for each  
236 business, subsidiary, or branch where bedding and upholstered furniture products are  
237 manufactured, imported, or distributed, before offering those products for sale in or delivery to the  
238 Commonwealth of Virginia. Each location of a manufacturer must obtain a separate license for  
239 each place of manufacture.

240 1. Importers and distributors shall be licensed to import or distribute only from  
241 manufacturers listed on the license application. To add a manufacturer to this list during  
242 the license year, the importer or distributor shall notify the Bedding Program in writing on  
243 an approved form, and ensure the license fees paid during that license year are current  
244 with the new total number of manufacturers (as provided by the fee schedule at 12VAC5-  
245 125-180).

246 2. A manufacturer must be licensed as required under this chapter prior to an importer or  
247 distributor obtaining a license to import or distribute from that manufacturer.

#### 248 D. Permits.

249 ~~Every Permits for sterilizers and sanitizers. Every person who, on his own account or for~~  
250 ~~others, is a sterilizer or a sanitizer sterilizer, sanitizer, reupholsterer, and renovator shall obtain~~  
251 ~~from the commissioner a permit for each location place of business where bedding and~~  
252 ~~upholstered furniture are sterilized, sanitized, reupholstered, or renovated, before offering those~~  
253 ~~products for sale in or delivery to the Commonwealth of Virginia, at which sterilizing or sanitizing~~  
254 ~~operations occur. Any person applying for approval of a process by which filling materials,~~  
255 ~~bedding, or upholstered furniture are sanitized or sterilized shall submit to the commissioner a~~  
256 ~~description of the process, test results and any apparatus and method to be used in such process.~~  
257 ~~Upon approval of such process by the commissioner and payment of the current annual permit~~  
258 ~~fee by the applicant, a numbered permit for use of such process shall be issued. Such permit~~  
259 ~~shall expire one year from the date of issue. Nothing herein shall prevent any person from having~~  
260 ~~any sanitizing or sterilization required by this chapter performed by any person who has a valid~~  
261 ~~permit for such purposes, provided the number of such permit appears on the tag attached to~~  
262 ~~each article as required by § 32.1-219 of the Code of Virginia.~~

263 1. Any person applying for a sanitizer or sterilizer permit must submit a description of the  
264 process by which filling materials, bedding, or upholstered furniture will be sanitized or  
265 sterilized.

266 2. All processes used to sanitize bedding and upholstered furniture shall comply with the  
267 requirements of 12VAC5-125-100.

268 3. All processes used to sterilize animal feathers, hair, or down shall comply with the  
269 requirements of 12VAC5-125-110.

#### 270 G. General provisions.

271 ~~1. Any person subject to this section must obtain a new license or permit when there is~~  
272 ~~change of ownership or a change of Federal Taxpayer Identification Number (TIN). A new~~  
273 ~~license or permit is not required for a change of company name or address if the ownership~~  
274 ~~remains the same, but the person must notify the commissioner of such change within 30~~  
275 ~~days after such change. Licenses and permits are nontransferable.~~

276 ~~2. Every person subject to this section doing business at the same address under more~~  
277 ~~than one firm name shall obtain a license for each firm name.~~

#### 278 D. Procedure for obtaining a license or permit.

279 ~~1. Submit a written application for license or permit to the Bedding Program on a form~~  
280 ~~provided by the Bedding Program prior to selling in the Commonwealth.~~

281 ~~2. With the application, submit the required application fee, in accordance with the fee~~  
282 ~~schedule, in the form of a check in U.S. dollars.~~

283 E. Uniform Registry Numbers.

284 Licensed or permitted manufacturers, supply dealers, sterilizers, sanitizers, reupholsterers,  
285 and renovators will be assigned a uniform registry number (URN). The Bedding Program will  
286 recognize a URN issued by another state and assign the URN if the applicant has a currently  
287 valid license for that URN from the issuing state at the time of application, and the URN and copy  
288 of the valid license are supplied together with the license or permit application.

289 1. Manufacturers, supply dealers, sterilizers, sanitizers, reupholsterers, and renovators  
290 shall use their assigned URN on all law labels as provided in 12VAC5-125-90.

291 2. Importers and distributors shall use the URNs assigned to the licensed manufacturers  
292 of the imported or distributed product on all law labels as provided in 12VAC5-125-90.

293 ~~Issuance of license or permit. The Bedding Program shall issue the appropriate license or~~  
294 ~~permit to the applicant after:~~

295 ~~1. A properly completed application is submitted;~~

296 ~~2. The appropriate fee, if required, is submitted;~~

297 ~~3. A preoperational inspection shows that the manufacturer, importer, distributor,~~  
298 ~~wholesaler, renovator, reupholsterer, or supply dealer is in compliance with the~~  
299 ~~requirements of this chapter.~~

300  
301 **12VAC5-125-60. Revocation of a license or permit. Enforcement, Notices, Informal**  
302 **Conferences**

303 ~~A. The commissioner Health Commissioner may, after providing an opportunity for a hearing,~~  
304 ~~revoke a license or permit for flagrant or continuing violation of any of the requirements of this~~  
305 ~~chapter.~~

306 ~~Prior to revocation, the commissioner shall notify in writing the holder of the license or permit~~  
307 ~~of the specific reason for which the license or permit is to be revoked. The license or permit shall~~  
308 ~~be revoked at the end of the 15 days following service of such notice unless a written request for~~  
309 ~~a hearing is filed before then with the commissioner. If no request for a hearing is filed within the~~  
310 ~~15-day period, the revocation of the license or permit shall be final. a notice of intent to revoke a~~  
311 ~~license or permit, and after providing an opportunity for an informal conference in accordance with~~  
312 ~~§ 2.2-4019 of the Code of Virginia, revoke a license or permit for flagrant or continuing violation~~  
313 ~~of this chapter. Any person to whom a notice of revocation is directed shall immediately comply~~  
314 ~~with the notice. Upon revocation, the former license or permit holder shall be given an opportunity~~  
315 ~~for appeal of the revocation in accordance with the Administrative Process Act (§ 2.2-4000 et seq.~~  
316 ~~of the Code of Virginia). Any person whose license or permit has been revoked may apply for a~~  
317 ~~new license or permit by following the procedures outlined in 12VAC5-125-50.~~

318 ~~B. The Health Commissioner may summarily suspend a sanitizer, reupholsterer, or renovator~~  
319 ~~permit if continued operation constitutes a substantial and imminent threat to public health. Upon~~  
320 ~~receipt of such notice that a permit is suspended, the permit holder shall cease permitted~~  
321 ~~operations immediately. Whenever a permit is suspended, the holder of the permit shall be~~  
322 ~~notified in writing by certified mail or by hand delivery. Upon service of notice that the permit is~~  
323 ~~immediately suspended, the former permit holder shall be given an opportunity for an informal~~  
324 ~~conference in accordance with § 2.2-4019 of the Code of Virginia. The request for an informal~~  
325 ~~conference shall be in writing and shall be filed with the Bedding Program by the former holder of~~  
326 ~~the permit. If written request for an informal conference is not filed within 10 working days after~~  
327 ~~the service of notice, the suspension is sustained. Each holder of a suspended permit shall be~~  
328 ~~afforded an opportunity for an informal conference within three working days of receipt of a~~  
329 ~~request for the informal conference. The Health Commissioner may end the suspension at any~~  
330 ~~time if the reasons for the suspension no longer exist. Working days means days on which the~~

331 central office of the Virginia Department of Health is open for business and does not include  
332 holidays and closures.

333 C. Any person affected by a determination issued in connection with the enforcement of this  
334 chapter may challenge such determination in accordance with the provisions of the Administrative  
335 Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

336 D. The Health Commissioner may enforce this chapter through any means lawfully available  
337 pursuant to § 32.1-27 of the Code of Virginia, and nothing in this chapter shall be construed as  
338 preventing the Health Commissioner from making efforts to obtain compliance through warning,  
339 conference, or any other appropriate enforcement means.

340 **12VAC5-125-70. Application after revocation. (Repealed.)**

341 Any person whose license or permit has been revoked, may apply for a new license or permit  
342 by following the procedures outlined in 12VAC5-125-50.

343 **12VAC5-125-80. Bedding and upholstered furniture inspections Inspections.**

344 A. Inspections of license and permit holders.

345 Inspection of the premises of a holder of a license or license or permit holders issued under  
346 this chapter ~~will~~ may be initiated ~~upon~~ in the following circumstances: ~~complaints when they relate~~  
347 ~~to a violation of this chapter:~~

348 ~~1. Upon complaints received by the commissioner. Upon receipt of a complaint relating to~~  
349 ~~a violation of law, including a complaint of insect infestation required by 12VAC5-125-~~  
350 ~~100G; and~~

351 ~~2. Upon complaints received by the Bedding Program. Pursuant to alleged violations of~~  
352 ~~this chapter observed during a previous inspection and any subsequent steps taken by~~  
353 ~~the permit holder to comply with this chapter, or as necessary to verify compliance.~~

354 ~~3. Upon complaints received by the Department of Agriculture and Consumer Services~~  
355 ~~and reported to the commissioner or Bedding Program. 4. Upon complaints made to an~~  
356 ~~inspector in the course of a routine inspection and reported to the Bedding Program.~~

357 ~~5. Upon complaints against a licensee made by an inspector when noted in the course of~~  
358 ~~a routine inspection of an ancillary operation (such as a sanitizer, distributor/wholesaler or~~  
359 ~~retailer) and reported to the Bedding Program.~~

360 ~~6. Upon complaints (or findings of violations) against a licensee by the authorities of a~~  
361 ~~government jurisdiction outside the Commonwealth that the licensee has sold bedding in~~  
362 ~~violation of laws, regulations or standards of that jurisdiction dealing with tagging,~~  
363 ~~sanitization, or consumer protection requirements.~~

364 ~~7. Upon late or nonrenewal of permit or license by a licensee or permit holder or upon late~~  
365 ~~notification of a change of location. Renewal application and payment not received by the~~  
366 ~~due date contained in the renewal notice and a failure to timely notify the commissioner of~~  
367 ~~a change of address shall result in the licensee being moved to an unlicensed status and~~  
368 ~~may result in an inspection by the Bedding Program to determine if the licensee continues~~  
369 ~~in business. If the licensee continues to operate, a license or permit shall not be issued~~  
370 ~~until a program inspection occurs and the requirements of the law are satisfied.~~

371 ~~Inspections will be carried out and completed as required under the law.~~

372 ~~B. Request for information, documents; verifications.~~

373 ~~1. Upon complaint, the commissioner may request that a licensee provide information and~~  
374 ~~documentation to substantiate its compliance with the requirements of this chapter. The~~  
375 ~~commissioner may also require that the accuracy and completeness of such information~~  
376 ~~and documentation be verified.~~

377 ~~2. Upon a finding that a licensee has failed to timely and fully comply with a request for~~  
378 ~~information and documents issued by the commissioner, or failed to substantiate the~~  
379 ~~accuracy and completeness of such information and documentation, a review may be~~  
380 ~~conducted by the Bedding Program.~~

381 ~~3. Any holder of a license or permit is required to report to the Bedding Program any~~  
382 ~~occurrences of insect infestation at the licensee's or permit holder's place of business or~~  
383 ~~in any article of new or used bedding or upholstered furniture offered for sale, rent, or use.~~

384 ~~CB. Inspections of unlicensed entities.~~

385 ~~Inspections of unlicensed entities and of retailers of bedding and upholstered furniture may~~  
386 ~~be conducted in accordance with § 32.1-25 of the Code of Virginia. the following circumstances:~~

387 1. Upon receipt of an application for a license or permit;

388 2. Upon nonrenewal of a sanitizer, reupholsterer, or renovator permit, or upon failure by a  
389 permit holder to notify the Health Commissioner of a change of address within timelines  
390 established by 12VAC5-125-50.A, resulting in a former permit holder being moved to an  
391 unlicensed status;

392 3. To verify retailer compliance with this chapter; and

393 4. Pursuant to alleged violations of this chapter observed during inspections resulting from  
394 circumstances in subdivisions 1, 2, or 3 and of this subsection, any subsequent steps  
395 taken by the permit holder to comply with this chapter, or as necessary to verify  
396 compliance.

397 ~~Inspections shall be conducted upon receipt of application for a permit or license by an~~  
398 ~~unlicensed entity.~~

399 C. All inspections shall be conducted in accordance with § 32.1-25 of the Code of Virginia.  
400 Whenever an inspection is conducted, a completed inspection report shall be provided to the  
401 license or permit holder or inspected retailer. The inspection report shall contain descriptions of  
402 observations made and citations to the alleged violations of this chapter. The report shall provide  
403 an opportunity for due process in accordance with the Administrative Process Act (§ 2.2-4000 et  
404 seq. of the Code of Virginia).

405 **12VAC5-125-90. Law labels conforming to the Virginia law label requirements.**

406 A. General provisions.

407 No law label required by this chapter shall contain false or misleading statements, terms, or  
408 designations. Filling materials shall be listed by generic textile names in order of descending  
409 predominance. The removal, defacement, or alteration of any law label prior to retail sale is  
410 prohibited. Law labels shall contain no advertising matter, nor anything that detracts from the  
411 required statements. No person shall place a mark, tag, sticker, or any other device on a law label  
412 that covers the required statements indicated in Figures 1-3 unless the Bedding Program provides  
413 written approval. No person shall use any law label unless licensed or permitted under this  
414 chapter.

415 All stamp or print on law labels required by this section shall be legible and at least 1/8<sup>th</sup> inch  
416 in height and capitalized, unless otherwise indicated in Figures 1-3.

417 B. New bedding and upholstered furniture, filling material.

418 Every importer of and every person manufacturing a new item of bedding or upholstered  
419 furniture shall attach securely thereto a substantial A white cloth tag (law label) or equivalent law  
420 label shall be securely attached, in a position where it can be conveniently examined, visible on  
421 the outside covering of such every item of new bedding or upholstered furniture, or any filling  
422 material, however contained, and not less than Law labels shall be made of durable, tear-  
423 resistant white cloth or equivalent, and shall be at least six square inches in size, All label printing

424 shall be resistant to fading, bleeding, and abrasion, and all text upon which shall be plainly  
425 stamped or printed, in English, and clearly legible, the name and address of the manufacturer,  
426 importer, or distributor, the registration number of the manufacturer or importer, the kind of filling  
427 material used therein, a statement that the filling materials are new, and the number of the permit  
428 issued to the person sterilizing any new feathers, hair, or down in such item. New bedding,  
429 upholstered furniture, and filling material shall use the appropriate law label from either Figure 1,  
430 Figure 2, or both; use of a Figure 2 law label in addition to the corresponding Figure 1 law label  
431 is not a violation of this chapter. Law label contents shall conform to the layout and requirements  
432 indicated by Figures 1 and 2, as appropriate. If the filling materials are reclaimed and reprocessed  
433 as defined in 12VAC5-125-1, law labels from Figure 1 may contain this statement in the Other  
434 Information section: "New filling material is composed of (entirely, partially, or %) reclaimed and  
435 reprocessed materials". Law labels for new bedding and upholstered furniture shall be securely  
436 attached to the article at the point of manufacture; law labels for filling material shall be securely  
437 attached to shipment packaging, or printed directly on retail packaging, prior to delivery or  
438 shipment.

439 B. ~~Law labels for new bedding and upholstered furniture shall be securely attached to the~~  
440 ~~article or filling material at the point of manufacture, in a position where they can be conveniently~~  
441 ~~examined. Law labels shall contain no advertising matter, nor anything that detracts or is likely to~~  
442 ~~detract from the required statements. No mark, tag, sticker, or any other device shall be placed~~  
443 ~~upon law labels by any dealer or any other person in such a way as to cover the required~~  
444 ~~statements. No one may possess such law labels outside that facility unless by prior approval of~~  
445 ~~the commissioner for correction purposes.~~

446 C. Secondhand, reupholstered, or renovated articles.

447 ~~Any person sanitizing, remaking, renovating, or reupholstering any A yellow law label shall be~~  
448 ~~securely attached, in a position where it can be conveniently examined, to every secondhand item~~  
449 ~~of bedding or upholstered furniture, or manufacturing any item of bedding or upholstered furniture~~  
450 ~~containing any shoddy or secondhand filling material, shall attach securely to it a substantial~~  
451 ~~yellow cloth tag or equivalent (law label), visible on the outside of such item. The law label shall~~  
452 ~~be made of durable yellow cardstock paper, cloth, or equivalent, and shall be at least and not less~~  
453 ~~than six square inches in size, All writing on the law label shall be resistant to fading, bleeding,~~  
454 ~~and abrasion, and all text shall be plainly upon which shall be stamped or printed, in English, The~~  
455 ~~label contents shall be composed according to the layout and requirements indicated by Figure~~  
456 ~~3, as appropriate. the kind of filling materials used therein, a statement that the item or filling~~  
457 ~~materials are secondhand, and the number of the permit issued to the person who sanitized such~~  
458 ~~item or filling material. This requirement shall not apply to mattresses that contain a shoddy pad~~  
459 ~~unless it otherwise contains secondhand filling materials.~~

460 D. ~~Any person shipping or delivering filling material, however contained, shall have~~  
461 ~~conspicuously attached thereto a law label upon which shall be stamped or printed, as provided~~  
462 ~~in § 32.1-219 of the Code of Virginia or as provided in this chapter, the kind of material, whether~~  
463 ~~the material is new or secondhand, the name, address, and registration number of the~~  
464 ~~manufacturer or importer, and the permit number of the person who sterilized or sanitized such~~  
465 ~~material.~~

466 E. ~~The stamp or print on law labels required by this section shall be in type not less than three~~  
467 ~~millimeters in height.~~

468 F. ~~It shall be unlawful to use any false or misleading statement, term or designation on any~~  
469 ~~tag required by this chapter or to remove, deface or alter, or to attempt to remove, deface or alter~~  
470 ~~any such tag or the statement of filling materials made thereon, prior to retail sale.~~

471 G. ~~No person shall use or have in his possession with intent to use any tag provided for in this~~  
472 ~~chapter unless such person holds a license or permit issued to him pursuant to this chapter. No~~

473 ~~person shall sell, give or in any way provide such law labels to anyone who does not have a~~  
474 ~~license, or permit issued to him pursuant to this chapter, or is not allowed to use such a tag~~  
475 ~~pursuant to this provision.~~

476 ~~(Specific law label requirements contained in Attachments 1 through 7)~~

477 ATTACHMENT 1

478 THE FOLLOWING LABELS COMPLY WITH THE VIRGINIA LAW

479 NO. 1

480 WHITE LABEL FOR ALL NEW MATERIAL

481 For Filling Material NOT Requiring Sterilization

SPACE TO ATTACH →

-  
-

In bold, black ink, minimum type size 3mm  
in height

→

Space for description of filling material.

Printing to be in English using capital  
letters

not less than 3mm in height

→

-  
-  
-

See NOTE (3) at bottom of page. →

-

Required in Virginia →

-  
-  
-

"Date of Delivery" line of Manufacturer's  
stock information, etc., here.

→

|   |
|---|
| -   |
| -   |
| -   |
| _____   |
| <b>UNDER PENALTY OF LAW THIS TAG NOT TO<br/>BE REMOVED EXCEPT BY CONSUMER</b>   |
| _____   |
| <b>ALL NEW MATERIAL<br/>CONSISTING OF</b>   |
| -   |
| -   |
| _____   |
| REG. NO.  |
| _____   |
| <b>Certification is made by the manufacturer<br/>that the materials in this article are<br/>described in accordance with law.</b> |
| -   |
| -   |
| _____   |
| MADE BY<br>(NAME OF MANUFACTURER OR VENDOR)<br>(ADDRESS OF MANUFACTURER OR<br>VENDOR)   |
| <b>Date of Delivery</b>   |
| _____   |
| -   |
| (Additional Information)  |

482 Note:

483 (1) All above printing in black ink on white vellum cloth or a material of comparable quality, which  
484 shall not flake out when abraded.

485 (2) Size of label: Exclusive of the portion required to affix the tag to the article, the minimum size

486 of the tag shall be not less than (six) square inches, but may be greater as the need demands.

487 ~~(3) Virginia approves and recognizes the uniform registry number and will accept the registration~~  
488 ~~number issued by another state, if registrant so desires, providing such registration follows the~~  
489 ~~policy of uniform registration. This policy is intended to benefit the registrant by requiring but one~~  
490 ~~registration to be imprinted on the law label used, regardless of where merchandise may be~~  
491 ~~shipped. The registration number shall be preceded by name of state (may be abbreviated)~~  
492 ~~issuing REG. NO. and if factory is located in another state than that issuing REG. NO., then name~~  
493 ~~of state in which factory is located shall follow the registration number in parenthesis.~~

494 ATTACHMENT 2

495  
496  
497  
498  
499

NO. 2

~~WHITE LABEL FOR ALL NEW MATERIAL  
ARTICLES WITH EXTRA CUSHIONS AS AN  
INTEGRAL PART OF UNIT~~

~~For Filling Material NOT Requiring Sterilization~~

SPACE TO ATTACH →

-  
-

In bold, black ink, minimum type size 3mm  
in height

→

Space for description of filling material.

Printing to be in English using capital  
letters

not less than 3mm in height

→

-  
-  
-  
-

See NOTE (3) at bottom of page. →

-

Required in Virginia →

-  
-  
-

"Date of Delivery" line of Manufacturer's  
stock information, etc., here.

→

|   |
|---|
| -   |
| -   |
| -   |
| _____   |
| <b>UNDER PENALTY OF LAW THIS TAG NOT TO<br/>BE REMOVED EXCEPT BY CONSUMER</b>   |
| _____   |
| <b>ALL NEW MATERIAL</b>   |
| CONSISTING OF   |
| BODY  |
| CUSHIONS  |
| -   |
| _____   |
| <del>REG. NO.</del>   |
| _____   |
| <b>Certification is made by the manufacturer<br/>that the materials in this article are<br/>described in accordance with law.</b> |
| -   |
| -   |
| _____   |
| MADE BY   |
| (NAME OF MANUFACTURER OR VENDOR)  |
| (ADDRESS OF MANUFACTURER OR<br>VENDOR)  |
| <b>Date of Delivery</b>   |
| _____   |
| (Additional Information)  |

500

Note:

501

~~(1) All above printing in black ink on white vellum cloth or a material of comparable quality, which shall not flake out when abraded.~~

502

503

~~(2) Size of label: Exclusive of the portion required to affix the tag to the article, the minimum size of the tag shall be not less than (six) square inches, but may be greater as the need demands.~~

504

505

~~(3) Virginia approves and recognizes the uniform registry number and will accept the registration number issued by another state, if registrant so desires, providing such registration follows the policy of uniform registration. This policy is intended to benefit the registrant by requiring but one~~

506

507

508 registration to be imprinted on the law label used, regardless of where merchandise may be  
509 shipped. The registration number shall be preceded by name of state (may be abbreviated)  
510 issuing REG. NO. and if factory is located in another state than that issuing REG. NO., then name  
511 of state in which factory is located shall follow the registration number in parenthesis.

512 ATTACHMENT 3

NO. 3

WHITE LABEL FOR ALL NEW MATERIAL

For Animal and Fowl and Any Other Filling Material Requiring Sterilization

SPACE TO ATTACH →

-  
-

In bold, black ink, minimum type size 3mm  
in height

→

Space for description of filling material.

Printing to be in English using capital  
letters

not less than 3mm in height

→

-  
-

See NOTE (3) at bottom of page. →

-  
-

Required in Virginia →

-  
-

"Date of Delivery" line of Manufacturer's  
stock information, etc., here.

→

|  |
|--|
| <hr/> <hr/> <b>UNDER PENALTY OF LAW THIS TAG NOT TO<br/>BE REMOVED EXCEPT BY CONSUMER</b> <hr/> <hr/> <b>ALL NEW MATERIAL<br/>CONSISTING OF</b><br>-<br>-<br>- <hr/> <hr/> <b>REG. NO. PERMIT NO.</b> <hr/> <hr/> <b>Certification is made by the manufacturer<br/>that the materials in this article are<br/>described in accordance with law.</b> <hr/> <hr/> <b>CONTENTS<br/>STERILIZED</b> <hr/> <hr/> <b>MADE BY</b><br>(NAME OF MANUFACTURER OR VENDOR)<br>(ADDRESS OF MANUFACTURER OR<br>VENDOR)<br><b>Date of Delivery</b> <hr/> <hr/> <p>(Additional Information)</p> |
|--|

516 Note:

517 (1) All above printing in black ink on white vellum cloth or a material of comparable quality, which  
518 shall not flake out when abraded.

519 ~~(2) Size of label: Exclusive of the portion required to affix the tag to the article, the minimum size~~  
520 ~~of the tag shall be not less than (six) square inches, but may be greater as the need demands.~~

521 ~~(3) Virginia approves and recognizes the uniform registry number and will accept the registration~~  
522 ~~number issued by another state, if registrant so desires, providing such registration follows the~~  
523 ~~policy of uniform registration. This policy is intended to benefit the registrant by requiring but one~~  
524 ~~registration to be imprinted on the law label used, regardless of where merchandise may be~~  
525 ~~shipped. The registration number shall be preceded by name of state (may be abbreviated)~~  
526 ~~issuing REG. NO. and if factory is located in another state than that issuing REG. NO., then name~~  
527 ~~of state in which factory is located shall follow the registration number in parenthesis.~~

528 ~~(4) Virginia will accept the PERMIT NO. issued by another state if applicant so desires providing~~  
529 ~~approval is granted and a Virginia Sterilization Permit is issued to applicant bearing such number.~~

530 ATTACHMENT 4

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532  
533  
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535

NO. 4

~~YELLOW LABEL FOR ARTICLES THAT HAVE BEEN REMADE AND  
RENOVATED FOR CONSUMER AND THAT CONTAIN  
SECONDHAND MATERIAL IN WHOLE OR IN PART~~

~~If new filling material has been added, state type in space provided~~

~~SPACE TO ATTACH →~~

~~-  
-~~

~~In bold, black ink, minimum type size 3mm  
in height~~

~~→~~

~~Space for description of filling material.~~

~~Printing to be in English using capital  
letters~~

~~not less than 3mm in height~~

~~→~~

~~-  
-  
-~~

~~Registration number or name of person or  
firm that renovated article →~~

~~-~~

|   |
|---|
| -   |
| -   |
| -   |
| _____   |
| <b>UNDER PENALTY OF LAW THIS TAG NOT TO<br/>BE REMOVED EXCEPT BY CONSUMER</b>   |
| _____   |
| <b>This article contains the same material<br/>received from the owner, to which has been<br/>added the following New material.</b> |
| -   |
| -   |
| _____   |
| <b>The following work has been done:</b>  |
| <b>YES — NO</b>   |
| <input type="checkbox"/> <input type="checkbox"/> <del>Old covering completely removed</del>  |
| <input type="checkbox"/> <input type="checkbox"/> <del>Frame repaired</del>   |
| <input type="checkbox"/> <input type="checkbox"/> <del>Spring retied and/or repaired</del>  |
| <b>OTHER:</b> _____   |
| _____   |
| <del>REG. NO. VA.</del>   |
| _____   |
| <b>This article must not be sold, it is the property<br/>of and must be returned to:</b>  |
| <b>Name</b> _____   |
| <b>Address</b> _____  |
| _____   |
| <b>REMADE AND RENOVATED BY</b>  |
| -   |
| -   |
| Date _____  |
| -   |
| (Additional Information)  |

536  
537  
538

Note:

(1) All above printing in black ink on yellow vellum cloth or a material of comparable quality, which shall not flake out when abraded.

539 ~~(2) Size of label: Exclusive of the portion required to affix the tag to the article, the minimum size~~  
540 ~~of the tag shall be not less than (six) square inches, but may be greater as the need demands.~~

541 ~~(3) If secondhand filling material is added instead of new, article is required to be sanitized and~~  
542 ~~Law Label No. 6 shall be used stating Permit No. of person or firm doing the sanitizing.~~

543 ATTACHMENT 5

544 NO. 5  
545 YELLOW LABEL FOR ARTICLES CONTAINING  
546 ALL SECONDHAND MATERIAL OFFERED  
547 FOR SALE OR RENT "AS IS"  
548 REQUIRED TO BE SANITIZED

SPACE TO ATTACH →  
-  
-  
In bold, black ink, minimum type size 3mm  
in height  
→  
Space for description of filling material.  
Printing to be in English using capital  
letters  
not less than 3mm in height  
→  
-  
-  
Permit number of person or firm who  
sanitized  
article →  
-  
Required in Virginia →  
-

|   |
|---|
| -   |
| -   |
| -   |
| _____   |
| <b>UNDER PENALTY OF LAW THIS TAG NOT TO<br/>BE REMOVED EXCEPT BY CONSUMER</b>   |
| _____   |
| <b>THIS ARTICLE CONTAINS</b>  |
| ALL SECOND-HAND MATERIAL  |
| CONTENTS UNKNOWN  |
| -   |
| _____   |
| -PERMIT NO.   |
| _____   |
| <b>Certification is made by the manufacturer<br/>that the materials in this article are<br/>described in accordance with law.</b> |
| _____   |
| SANITIZED   |
| _____   |
| SANITIZED BY  |
| -   |
| -   |
| <b>Date Sanitized</b>   |
| _____   |
| -   |
| (Additional Information)  |

549 Note:  
550 (1) All above printing in black ink on yellow vellum cloth or a material of comparable quality, which  
551 shall not flake out when abraded.

552 (2) Size of label: Exclusive of the portion required to affix the tag to the article, the minimum size  
553 of the tag shall be not less than (six) square inches, but may be greater as the need demands.

554 ATTACHMENT 6

555 NO. 6

556 YELLOW LABEL FOR ARTICLES THAT HAVE BEEN RENOVATED

557 FOR RESALE AND THAT CONTAIN

558 SECONDHAND MATERIAL IN WHOLE OR IN PART

559 REQUIRED TO BE SANITIZED

SPACE TO ATTACH →

-

-

In bold, black ink, minimum type size 3mm  
in height

→

Space for description of filling material.

Printing to be in English using capital  
letters

not less than 3mm in height

→

-

-

Registration number of person or firm who  
renovated article. Permit number of  
person or firm who sanitized article

→

-

Required in Virginia →

-

|   |
|---|
| -   |
| -   |
| -   |
| _____   |
| <b>UNDER PENALTY OF LAW THIS TAG NOT TO<br/>BE REMOVED EXCEPT BY CONSUMER</b>   |
| _____   |
| <b>THIS ARTICLE CONTAINS<br/>SECOND HAND MATERIAL<br/>TO WHICH HAS BEEN ADDED</b>   |
| -   |
| -   |
| -   |
| _____   |
| REG. NO. _____ PERMIT NO. _____   |
| _____   |
| <b>Certification is made by the manufacturer<br/>that the materials in this article are<br/>described in accordance with the law.</b> |
| _____   |
| CONTENTS<br>SANITIZED   |
| _____   |
| REMADE AND RENOVATED BY   |
| -   |
| -   |
| <b>RENOVATOR NAME</b> _____   |
| <b>RENOVATOR ADDRESS</b> _____  |
| -   |
| <b>Date Sanitized</b>   |
| _____   |
| -   |
| (Additional Information)  |

560 Note:

561 (1) All above printing in black ink on white vellum cloth or a material of comparable quality, which  
562 shall not flake out when abraded.

563 (2) Size of label: Exclusive of the portion required to affix the tag to the article, the minimum size  
564 of the tag shall be not less than (six) square inches, but may be greater as the need demands.

565 ATTACHMENT 7

566 NO. 7  
567 WHITE LABEL FOR ALL NEW MATERIAL  
568 ARTICLES IMPORTED INTO THE UNITED STATES  
569 For Filling Material NOT Requiring Sterilization

SPACE TO ATTACH →

-  
-

In bold, black ink, minimum type size 3mm  
in height

→

Space for description of filling material.  
Printing to be in English using capital  
letters  
not less than 3mm in height

→

-  
-  
-

See NOTE (3) at bottom of page. →

-  
-

Required in Virginia →

-  
-  
-

"Date of Delivery" line of Manufacturer's  
stock information, etc., here.

→

Name of country where factory is located

→

-

|   |
|---|
| -   |
| -   |
| -   |
| _____   |
| <b>UNDER PENALTY OF LAW THIS TAG NOT TO<br/>BE REMOVED EXCEPT BY CONSUMER</b>   |
| _____   |
| <b>ALL NEW MATERIAL<br/>CONSISTING OF</b>   |
| -   |
| -   |
| _____   |
| REG. NO.  |
| _____   |
| <b>Certification is made by the manufacturer<br/>that the materials in this article are<br/>described in accordance with law.</b> |
| -   |
| -   |
| _____   |
| <b>IMPORTED BY</b>  |
| -   |
| -   |
| <b>Date of Delivery</b>   |
| _____   |
| -   |
| <b>MADE IN</b>  |
| -   |

570 Note:

571 (1) All above printing in black ink on white vellum cloth or a material of comparable quality, which  
572 shall not flake out when abraded.

Figure 1. White tags with black ink for new materials, with or without a % of reclaimed and reprocessed materials.

| <b>BEDDING, SINGLE-COMPONENT<br/>ARTICLES, FILLING MATERIAL</b>  | <b>FURNITURE; MULTIPLE-<br/>COMPONENT ARTICLES WHERE<br/>EACH COMPONENT IS AN<br/>INTEGRAL PIECE OF THE ITEM</b>   | <b>ITEMS CONTAINING MATERIALS<br/>REQUIRING STERILIZATION</b>  |
|--|--|--|
| <p><b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE BE REMOVED<br/>EXCEPT BY THE CONSUMER</b></p>   | <p><b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE BE REMOVED<br/>EXCEPT BY THE CONSUMER</b></p>   | <p><b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE BE REMOVED<br/>EXCEPT BY THE CONSUMER</b></p>   |
| <p><b>ALL NEW MATERIAL</b><br/>consisting of</p>   | <p><b>ALL NEW MATERIAL</b><br/>consisting of</p>   | <p><b>ALL NEW MATERIAL</b><br/>consisting of</p>   |
| <p>(BODY)</p> <p>(CUSHIONS)</p>  | <p>(FEATHERS)</p> <p>(DOWN)</p> <p>(SPECIFIC TYPE ANIMAL HAIR)</p>   | <p>(FEATHERS)</p> <p>(DOWN)</p> <p>(SPECIFIC TYPE ANIMAL HAIR)</p>   |
| <p><b>REG NO.</b></p>  | <p><b>REG NO.</b></p>  | <p><b>REG NO.</b></p>  |
| <p>Certification is made by the<br/>manufacturer that the materials in this<br/>article are described in accordance<br/>with law.</p>                        | <p>Certification is made by the<br/>manufacturer that the materials in this<br/>article are described in accordance<br/>with law.</p>                        | <p>Certification is made by the<br/>manufacturer that the materials in this<br/>article are described in accordance<br/>with law.</p>                        |
| <p><b>MADE BY (or MADE FOR)</b><br/>Name and address of<br/>manufacturer, importer, or distributor<br/>as appropriate</p> <p>(Other Information section)</p> | <p><b>MADE BY (or MADE FOR)</b><br/>Name and address of<br/>manufacturer, importer, or distributor<br/>as appropriate</p> <p>(Other Information section)</p> | <p><b>MADE BY (or MADE FOR)</b><br/>Name and address of<br/>manufacturer, importer, or distributor<br/>as appropriate</p> <p>(Other Information section)</p> |
| <p><b>MADE IN (COUNTRY)</b></p>  | <p><b>MADE IN (COUNTRY)</b></p>  | <p><b>MADE IN (COUNTRY)</b></p>  |

Uppercase text in these rows shall be at least 1/8th inch.

The 1/8th inch font size requirement does not apply to this section.

Uppercase text in these rows shall be at least 1/8th inch.

This section may contain dimensions, FTC, RN#, or other information. No advertising material is allowed. The 1/8th inch font size requirement does not apply to this section.

If filling materials are reclaimed and reprocessed as defined in 12VAC5-125-10, this section may contain the statement "New filling material is composed of (entirely, partially, or %) reclaimed and reprocessed materials".

Figure 2. White tags with green ink, for use only if new materials contain a % of reclaimed and reprocessed materials as defined in 12VAC5-125-10.

| <b>BEDDING, SINGLE-COMPONENT<br/>ARTICLES, FILLING MATERIAL</b>   | <b>FURNITURE, MULTIPLE-<br/>COMPONENT ARTICLES WHERE<br/>EACH COMPONENT IS AN<br/>INTEGRAL PIECE OF THE ITEM</b>   | <b>ITEMS CONTAINING MATERIALS<br/>REQUIRING STERILIZATION</b>  |
|---|--|--|
| <p><b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE BE REMOVED<br/>EXCEPT BY THE CONSUMER</b></p> <p>ALL NEW MATERIAL<br/>(% RECLAIMED AND<br/>REPROCESSED MATERIAL)<br/>consisting of</p> | <p><b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE BE REMOVED<br/>EXCEPT BY THE CONSUMER</b></p> <p>ALL NEW MATERIAL<br/>(% RECLAIMED AND<br/>REPROCESSED MATERIAL)<br/>consisting of</p> <p>(BODY)<br/>(CUSHIONS)</p> | <p><b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE BE REMOVED<br/>EXCEPT BY THE CONSUMER</b></p> <p>ALL NEW MATERIAL<br/>(% RECLAIMED AND<br/>REPROCESSED MATERIAL)<br/>consisting of</p> <p>(FEATHERS)<br/>(DOWN)<br/>(SPECIFIC TYPE ANIMAL HAIR)</p> |
| <p><b>REG NO.</b></p>   | <p><b>REG NO.</b></p>  | <p><b>REG NO.</b></p>  |
| <p>Certification is made by the<br/>manufacturer that the materials in this<br/>article are described in accordance<br/>with law.</p>   | <p>Certification is made by the<br/>manufacturer that the materials in this<br/>article are described in accordance<br/>with law.</p>  | <p>Certification is made by the<br/>manufacturer that the materials in this<br/>article are described in accordance<br/>with law.</p>  |
| <p><b>MADE BY (or MADE FOR)</b><br/>Name and address of<br/>manufacturer, importer, or distributor<br/>as appropriate</p> <p>(Other Information section)</p>                          | <p><b>MADE BY (or MADE FOR)</b><br/>Name and address of<br/>manufacturer, importer, or distributor<br/>as appropriate</p> <p>(Other Information section)</p>   | <p><b>MADE BY (or MADE FOR)</b><br/>Name and address of<br/>manufacturer, importer, or distributor<br/>as appropriate</p> <p>(Other Information section)</p>   |
| <p><b>MADE IN (COUNTRY)</b></p>   | <p><b>MADE IN (COUNTRY)</b></p>  | <p><b>MADE IN (COUNTRY)</b></p>  |

Uppercase text in these rows shall be at least 1/8th inch.

The 1/8th inch font size requirement does not apply to this section.

Uppercase text in these rows shall be at least 1/8th inch.

This section may contain dimensions, FTC, RN#, or other information. No advertising material is allowed. The 1/8th inch font size requirement does not apply to this section.

Figure 3. Yellow tags with black ink for secondhand materials.

**SECONDHAND BEDDING OR  
UPHOLSTERED FURNITURE  
REQUIRING SANITIZATION**

**REUPHOLSTERED OR  
RENOVATED ARTICLES TO BE  
RETURNED TO ORIGINAL OWNER,  
NOT REQUIRING SANITIZATION**

**ITEMS CONTAINING MATERIALS  
REQUIRING STERILIZATION**

|   |
|---|
| <b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE REMOVED<br/>EXCEPT BY THE CONSUMER</b>  |
| <b>THIS ARTICLE CONTAINS ALL<br/>SECOND-HAND MATERIAL<br/>CONTENTS UNKNOWN</b>  |
| CONTENTS SANITIZED<br>Date Sanitized: _____   |
| PERMIT NO. _____  |
| Certification is made by the<br>manufacturer that the materials in this<br>article are sanitized in accordance<br>with law. |
| SANITIZED BY:<br>Name and address of Sanitizer<br>(Other Information section)   |

|   |
|---|
| <b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE REMOVED<br/>EXCEPT BY THE CONSUMER</b>  |
| <b>THIS ARTICLE CONTAINS THE<br/>SAME MATERIAL RECEIVED BY<br/>THE OWNER, TO WHICH HAS<br/>BEEN ADDED THE FOLLOWING<br/>NEW MATERIAL:</b><br>(LIST)   |
| PERMIT NO. _____  |
| Certification is made by the<br>manufacturer that the materials in this<br>article are described in accordance<br>with law.<br>The following work has been done:<br>YES NO<br>Old covering removed<br>Frame repaired<br>Spring retied and/or repaired<br>Other: _____ |
| This article must not be sold, it is<br>the property of & must be returned<br>to: Name and address of owner   |
| REUPHOLSTERED (or<br>RENOVATED) BY:<br>Name and address of Reupholsterer<br>or Renovator<br>(Other Information section)   |

|   |
|---|
| <b>UNDER PENALTY OF LAW THIS<br/>TAG NOT BE REMOVED<br/>EXCEPT BY THE CONSUMER</b>  |
| <b>THIS ARTICLE CONTAINS<br/>SECONDHAND MATERIAL, TO<br/>WHICH HAS BEEN ADDED THE<br/>FOLLOWING NEW MATERIAL:</b><br>(LIST)   |
| CONTENTS SANITIZED<br>Date Sanitized: _____   |
| SAN. PERMIT NO. _____<br>RE. PERMIT NO. _____   |
| Certification is made by the<br>manufacturer that the materials in this<br>article are described and sanitized in<br>accordance with law.                                 |
| SANITIZED BY:<br>Name and address of Sanitizer<br>REUPHOLSTERED (or<br>RENOVATED) BY:<br>Name and address of Reupholsterer<br>or Renovator<br>(Other Information section) |

Uppercase text in these rows shall be at least 1/8th inch.

The 1/8th inch font size requirement does not apply to this section.

Uppercase text in these rows shall be at least 1/8th inch.  
These rows may be combined in Tag 3 if Sanitizer and  
(Reupholserer or Renovator) Permits are held by the same person.

The 1/8th inch font size requirement does not apply to this  
section.

573 ~~(2) Size of label: Exclusive of the portion required to affix the tag to the article, the minimum size~~  
574 ~~of the tag shall be not less than (six) square inches, but may be greater as the need demands.~~

575 ~~(3) Virginia approves and recognizes the uniform registry number and will accept the registration~~  
576 ~~number issued by another state, if registrant so desires, providing such registration follows the~~  
577 ~~policy of uniform registration. This policy is intended to benefit the registrant by requiring but one~~  
578 ~~registration to be imprinted on the law label used, regardless of where merchandise may be~~  
579 ~~shipped. The registration number shall be preceded by name of state (may be abbreviated)~~  
580 ~~issuing REG. NO. and the two letter abbreviation of the country in which factory is located shall~~  
581 ~~follow the registration number in parenthesis.~~

582 **12VAC5-125-100. Sanitization of used Secondhand bedding and upholstered furniture.**

583 ~~A. No article of secondhand bedding or upholstered furniture person engaged in commerce~~  
584 ~~shall be sold, rent, offer or expose for sale, barter, give away, or dispose of in any other~~  
585 ~~commercial manner any article of bedding or upholstered furniture made, remade, reupholstered~~  
586 ~~or renovated in violation of § 32.1-213 or 32.1-214 of the Code of Virginia or any secondhand~~  
587 ~~article of bedding or upholstered furniture unless since last used use such secondhand article has~~  
588 ~~been sanitized by a reasonable process approved by the commissioner permitted sanitizer in~~  
589 ~~accordance with this chapter.~~

590 ~~However, a retailer may sell, give away, or rent used upholstered furniture when the used~~  
591 ~~upholstered furniture has been purchased by the retailer as new furniture and has been used in~~  
592 ~~the course of business. Such used furniture shall be (i) conspicuously identified as used furniture,~~  
593 ~~and (ii) reduced in price, sold at auction, donated to charity, or made available for a rental fee,~~  
594 ~~and so tagged.~~

595 ~~B. No person shall use in the making, remaking, reupholstering, or renovating of any bedding~~  
596 ~~or upholstered furniture any shoddy, or any fabric from which shoddy is made or any secondhand~~  
597 ~~filling material, or any secondhand feathers, animal hair, or down, in the manufacture,~~  
598 ~~reupholstery, or renovation of bedding and upholstered furniture unless such shoddy, secondhand~~  
599 ~~filling material, feathers, animal hair, or down has been sanitized by a reasonable process~~  
600 ~~approved by the commissioner permitted sanitizer in accordance with this chapter.~~

601 ~~Any reupholstered or renovated bedding or upholstered furniture, sold to a customer who was~~  
602 ~~not the original owner of the item, must be sanitized by a permitted sanitizer in accordance with~~  
603 ~~this chapter.~~

604 ~~CB. Steri-Fab or Microban, or a comparable product approved by the commissioner meeting~~  
605 ~~all the qualities and specifications of these chemicals, are the industry recognized chemicals for~~  
606 ~~sanitizing and disinfecting mattresses, bedding or upholstered furniture. This process is required~~  
607 ~~for any business sanitizing used, secondhand or renovated mattresses, box springs, or similar~~  
608 ~~articles of bedding or upholstered furniture offered for resale or rent in Virginia. The use of these~~  
609 ~~chemicals Persons applying for approval of a process by which filling materials, bedding, or~~  
610 ~~upholstered furniture are sanitized shall submit to the Bedding Program a description of the~~  
611 ~~process, test results, apparatus, and method to be used in such process. The following general~~  
612 ~~processes are considered approved methods of sanitization; a list of specific approved products~~  
613 ~~and methods shall be maintained by the Bedding Program:~~

614 ~~1. The application of an approved isopropyl-alcohol solution via direct spray onto the filling~~  
615 ~~materials, bedding, or upholstered furniture item. Application shall reach and treat all~~  
616 ~~surfaces, seams, piping, and other design features of the item. Application, storage, and~~  
617 ~~disposal of the isopropyl-alcohol solution shall be performed according to in compliance~~  
618 ~~with the specific instructions from the product manufacturers is deemed a reasonable~~  
619 ~~sanitization process approved by the commissioner. All licensees are required to follow all~~  
620 ~~product application, safety, storage, and disposal instructions provided by the product~~  
621 ~~manufacturers. It is a violation of federal law to use Steri-Fab or Microban disinfectant in~~

622 a manner inconsistent with its labeling. Diluting or mixing with other chemicals is  
623 prohibited.

624 2. Heat treatment, via containment in a heat chamber, or direct application of steam. All  
625 submersion heat treatment methods shall exceed the temperature and time duration  
626 necessary to reach the thermal death point for bedbugs (113 degrees F for 90 minutes).  
627 All steam applications shall be designed to reach and treat all surfaces, seams, piping,  
628 and other design features of the article to be sanitized, and shall be conducted at a pace  
629 of 12" of article per 30 seconds, unless otherwise approved as provided in subsection B  
630 of this section.

631 C. Unsanitized, secondhand bedding and upholstered furniture shall be separated from new  
632 or sanitized, secondhand bedding or upholstered furniture by a dividing wall or a distance of at  
633 least 20 feet.

634 D. Yellow law labels in compliance with 12VAC5-125-90 must shall be attached to all sanitized  
635 articles and dated as soon as the approved sanitizing process is completed.

636 E. Persons donating (no monetary exchange) secondhand articles of bedding and  
637 upholstered furniture are not required to sanitize those articles if the donation is to a holder of a  
638 valid sanitizing permit. Any items sold (monetary exchange) must be sanitized first. A delivery  
639 vehicle used to transport secondhand, unsanitized bedding and upholstered furniture must be  
640 sanitized by a process approved by subsection B of this section before it is used to transport new  
641 or secondhand, sanitized products. Such sanitization shall include the entirety of the inside of the  
642 transport portion of the vehicle; however, any area not used for transport separated from the  
643 storage portion of the vehicle by a wall or partition shall not require sanitization.

644 F. Persons selling dealing in used secondhand bedding and upholstered furniture, unless  
645 otherwise exempt from this chapter as considered in 12VAC5-125-40, shall maintain a log of  
646 sanitized items, bedding and upholstered furniture, indicating the identification of each sanitized  
647 item, and the date the item was sanitized, and date rented or sold. Identification shall be by visual  
648 description, of sufficient detail to allow identification of any sanitized item offered for sale, or by a  
649 unique number also printed in the Other Information section of the yellow law label. A separate  
650 log shall be maintained in each vehicle sanitized as required by subsection E of this section; this  
651 log shall indicate the dates of all sanitization events for that vehicle within the previous 12 months.

652 G. To ensure effective sanitization is maintained, mattresses shall be stored at least six inches  
653 or the height of one standard pallet off the floor in a dry room, and so spaced to allow a four inch  
654 separation around the four sides of the mattresses. All areas where secondhand bedding or  
655 upholstered furniture are stored, rebuilt, recovered, or presented for sale shall be kept clean and  
656 free of trash, hazardous waste, insects, rodents, pets, or other animals. Permit holders shall report  
657 to the Bedding Program any infestations of insects or rodents at the permit holder's place of  
658 business, or in any bedding or upholstered furniture offered for sale by the permit holder.

659 **12VAC5-125-110. Sterilization of new animal hair, feathers and down.**

660 A. No article of new bedding or upholstered furniture using animal hair, feathers, or down for  
661 filling material shall be sold or offered for sale person shall use in the making, remaking,  
662 reupholstering or renovating of any bedding or upholstered furniture any new animal hair, new  
663 feathers, or new down unless such new animal hair, new feathers, or new down shall have has  
664 been sterilized by a permitted sterilizer in accordance with this chapter reasonable process  
665 approved by the commissioner.

666 B. Persons applying for approval of a process by which animal hair, feathers, or down are  
667 sterilized shall submit to the Bedding Program a description of the process, test results and any  
668 apparatus and method to be used in such process. The following general processes are  
669 considered approved methods of sterilization; a list of specific methods and products shall be  
670 maintained by the Bedding Program.

671 1. Treatment by steam under pressure, at 15 pounds maintained for 30 minutes or at 20  
672 pounds maintained for 20 minutes. A gauge for registering steam pressure, visible from  
673 the outside of the room, shall be provided.

674 2. Treatment by two applications of streaming steam, maintained for a period of one hour  
675 each, applied at intervals of not less than six, nor more than 24 hours. Valved outlets shall  
676 be provided near the top and bottom of the room.

677 3. Containment in a closed container held at a temperature of 235°F(113°C) for 2 hours.

678 4. Washing at a temperature of at least 140°F (60°C), followed by complete drying at a  
679 temperature of at least 158°F (70°C).

680 ~~12VAC5-125-120. Separation and storage of new and sanitized items.~~

681 ~~A. New and sanitized upholstered furniture, bedding and filling materials shall be kept~~  
682 ~~separate from any secondhand upholstered furniture, bedding and filling materials that have not~~  
683 ~~been sanitized. To prevent contamination, a distance of at least 20 feet or a dividing wall must be~~  
684 ~~kept between new and sanitized articles, and unsanitized used articles of bedding and~~  
685 ~~upholstered furniture.~~

686 ~~B. Delivery vehicles shall be disinfected before delivering new or sanitized items if that vehicle~~  
687 ~~has been used to previously transport unsanitized used merchandise, not limited to bedding and~~  
688 ~~upholstered furniture.~~

689 ~~C. Mattresses shall be stored at least six inches from the floor or the height of one standard~~  
690 ~~pallet (whatever is greater) in a dry room preferably above ground, and so spaced to allow a four~~  
691 ~~inch separation around the four sides of the mattresses. The storage as well as workroom areas~~  
692 ~~for sanitized items shall be clean and free from trash, vermin, insects, filth and any hazardous~~  
693 ~~waste. Pets and other animals shall be prohibited in storage and workroom areas.~~

694 ~~12VAC5-125-130. Violation of regulations.~~

695 ~~A. It is the responsibility of the retailer to make certain~~ ensure ~~that any article of bedding or~~  
696 ~~upholstered furniture that he offers~~ offered ~~for sale in the Commonwealth of Virginia, regardless~~  
697 ~~of where manufactured, is properly labeled and is in compliance with all provisions of the law this~~  
698 ~~chapter.~~

699 ~~B. Upon a complaint made to the commissioner as provided in § 32.1-224 of the Code of~~  
700 ~~Virginia, the commissioner may order the return of any item of bedding or upholstered furniture~~  
701 ~~or any filling material made, remade, renovated, reupholstered, prepared, processed, labeled, or~~  
702 ~~not labeled in violation of the provisions of this chapter to the manufacturer or importer thereof.~~  
703 ~~The manufacturer or importer shall be liable to the person returning such item for the costs of~~  
704 ~~crating, shipping and the invoice price to the purchaser. Failure of a manufacturer or importer to~~  
705 ~~pay such costs to the person returning such item shall be grounds for revocation or suspension~~  
706 ~~of a license issued pursuant to this chapter.~~

707 ~~CB.~~ The commissioner Health Commissioner ~~or his designee may order "off sale" all any~~  
708 ~~improperly sanitized or unsanitized articles of secondhand bedding or upholstered furniture~~ "off  
709 sale". ~~A significant number of violations in any one business location will~~ may ~~result in a sign being~~  
710 ~~placed on the business door taking off sale all used bedding and upholstered items in the store.~~  
711 ~~These items may not be bartered, given away, rented, or disposed of in any manner inconsistent~~  
712 ~~with this chapter until properly sanitized.~~

713 ~~D. The commissioner may refuse to issue, may suspend or may revoke the license or permit~~  
714 ~~of any person who violates any provision of this chapter, or who is not a resident of the~~  
715 ~~Commonwealth and fails or refuses to enter an appearance in any circuit court in the~~  
716 ~~Commonwealth to answer a charge or charges of violation of any provision of this chapter, or~~  
717 ~~order of the board or commissioner within 25 days after service upon him of a notice by certified~~  
718 ~~mail.~~

719 ~~EC. Any violation of the provisions of this chapter shall constitute a prohibited practice in~~  
720 ~~accordance with § 59.1-200 of the Code of Virginia and shall be subject to any and all of the~~  
721 ~~enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq. of the Code~~  
722 ~~of Virginia). Any person who violates this chapter may be subject to enforcement provisions of~~  
723 ~~the Virginia Consumer Protection Act (§ 59.1-196 et seq. of the Code of Virginia), and penalties~~  
724 ~~provided by § 32.1-27 of the Code of Virginia.~~

725 ~~F. Any person violating any provision of this chapter shall be guilty of a Class 2 misdemeanor~~  
726 ~~pursuant to § 32.1-226 of the Code of Virginia.~~

727 **12VAC5-125-140. Enforcement of regulation. (Repealed.)**

728 ~~A. This chapter shall be enforced by the board and the commissioner, as executive officer of~~  
729 ~~the board.~~

730 ~~B. All persons shall operate in compliance with the requirements set forth in this chapter and~~  
731 ~~shall not operate without a valid license or permit.~~

732 ~~C. Pursuant to the authority granted in § 32.1-224 of the Code of Virginia, the commissioner~~  
733 ~~may issue orders to require any license or permit holder or other person to comply with the~~  
734 ~~provisions of this chapter. The order may require the following:~~

- 735 ~~1. The immediate cessation and correction of the violation;~~
- 736 ~~2. Appropriate remedial action to ensure that the violation does not continue or recur;~~
- 737 ~~3. The submission of a plan to prevent future violations;~~
- 738 ~~4. Any other corrective action deemed necessary for proper compliance with the~~  
739 ~~regulations, and safety and health of the consumers of the Commonwealth.~~

740 ~~D. Before the issuance of an order, the commissioner must comply with the requirements of~~  
741 ~~§ 32.1-26 of the Code of Virginia.~~

742 ~~E. All orders issued pursuant to subsection C of this section shall become effective not less~~  
743 ~~than 15 days after mailing a copy thereof by certified mail to the last known address of the license~~  
744 ~~or permit holder or person violating this chapter.~~

745 ~~F. The commissioner may act as the agent of the board to enforce all effective orders and~~  
746 ~~these regulations. Should any license or permit holder fail to comply with any effective order or~~  
747 ~~these regulations, the commissioner may:~~

- 748 ~~1. Institute a proceeding to revoke the license or permit in accordance with 12VAC5-125-~~  
749 ~~60;~~
- 750 ~~2. Request the attorney for the Commonwealth to bring a criminal action;~~
- 751 ~~3. Request the Attorney General to bring an action for civil penalty, injunction, or other~~  
752 ~~appropriate remedy; or~~
- 753 ~~4. Do any combination of the above.~~

754 ~~G. Not exclusive means of enforcement. Nothing contained in this section shall be interpreted~~  
755 ~~to require the commissioner to issue an order prior to seeking enforcement of any regulations or~~  
756 ~~statute through an injunction, mandamus or criminal prosecution.~~

757 ~~H. Hearings before the commissioner or his designee shall include any of the following forms~~  
758 ~~depending on the nature of the controversy and the interests of the parties involved:~~

- 759 ~~1. Informal hearings. An informal hearing is a meeting with the Bedding Program~~  
760 ~~Supervisor presiding and held in conformance with § 2.2-4019 of the Code of Virginia.~~
- 761 ~~2. Adjudicatory hearing. The adjudicatory hearing is a formal, public adjudicatory~~  
762 ~~proceeding before the commissioner, or his designated hearing officer, and held in~~  
763 ~~conformance with § 2.2-4020 of the Code of Virginia.~~

764 **12VAC5-125-145. Variances.**

765 A. One or more of the regulations in this chapter may be waived in whole or in part when, as  
766 determined by the Health Commissioner, the hardship imposed by the regulations, which may be  
767 economic, outweighs the benefits that may be received by the public, and that granting such a  
768 variance does not subject the public to unreasonable health risks. Variances shall be issued in  
769 writing by the Health Commissioner.

770 B. Any person who seeks a variance shall apply in writing to the Bedding Program. The  
771 application shall include:

772 1. A citation to the regulation from which a variance is requested;

773 2. The nature and duration of the variance requested;

774 3. Evidence that establishes that the public health and welfare would not be adversely  
775 affected if the variance were granted;

776 4. Suggested conditions that might be imposed on the granting of a variance that would  
777 limit the detrimental impact on the public health and welfare;

778 5. Other information believed pertinent by the applicant; and

779 6. Such other information as the Bedding Program or Health Commissioner may require.

780 C. If the Health Commissioner proposes to grant the variance request, the applicant shall be  
781 notified in writing of this decision within 90 days of receipt of the variance request. If the Health  
782 Commissioner proposes to deny the variance request, the Health Commissioner shall notify the  
783 applicant of the proposed denial within 90 days of receipt of the variance request and provide an  
784 opportunity for an informal fact-finding conference as provided in § 2.2-4019 of the Code of  
785 Virginia.

786 **12VAC5-125-150. Request for hearing. (Repealed.)**

787 ~~A request for an informal hearing shall be made by sending the request in writing to the~~  
788 ~~Bedding Program. Requests for hearings shall cite the reasons for the hearing request and shall~~  
789 ~~cite the section(s) of these regulations involved and must be received within 15 days of the~~  
790 ~~decision by the department that lead to the hearing request.~~

791 **12VAC5-125-160. Hearing as a matter of right. (Repealed.)**

792 ~~Any person holding a license or permit or named party whose rights, duties, or privileges have~~  
793 ~~been, or may be affected by any case decision of the board or its subordinates in the~~  
794 ~~administration of these regulations, shall have a right to both informal and adjudicatory hearings.~~  
795 ~~The commissioner may require participation in an informal hearing before granting the request for~~  
796 ~~a full adjudicatory hearing. Exception: No person other than an owner shall have the right to an~~  
797 ~~adjudicatory hearing to challenge the issuance of a license or permit unless the person can~~  
798 ~~demonstrate at an informal hearing that the minimum standards contained in these regulations~~  
799 ~~have not been applied and that he will be injured in some manner by the issuance of the license~~  
800 ~~or permit.~~

801 **12VAC5-125-170. Penalties, injunctions, civil penalties and charges for violations.**  
802 **(Repealed)**

803 ~~A. Any person willfully violating, or refusing, failing, or neglecting to comply with any~~  
804 ~~regulations or order of the board or commissioner, or any provision of this chapter, shall be guilty~~  
805 ~~of a Class 2 misdemeanor unless a different penalty is specified. Each day of violation shall~~  
806 ~~constitute a separate offense.~~

807 ~~B. Any person violating, or failing, neglecting, or refusing to obey any order of the board or~~  
808 ~~commissioner, or any provision of this chapter may be compelled, in a proceeding instituted in an~~  
809 ~~appropriate court by the board or commissioner, to obey and comply with such regulations, order,~~

810 or any applicable provision of Title 32.1 of the Code of Virginia. The proceeding may be by  
811 injunction, mandamus, or other appropriate remedy.

812 C. Without limiting the remedies that may be obtained pursuant to subsection B of this section,  
813 any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other  
814 remedy obtained pursuant to subsection B of this section shall be subject, in the discretion of the  
815 court, to a civil penalty not to exceed \$25,000 for each violation. Each day of violation shall  
816 constitute a separate offense.

817 D. With the consent of any person who has violated or failed, neglected or refused to obey  
818 any regulation or order of the board or commissioner or any applicable provision of Title 32.1 of  
819 the Code of Virginia, the board may provide, in an order issued by the board against such person,  
820 for the payment of civil charges for past violations in specific sums not to exceed the limit set forth  
821 in subsection C of this section. Such civil charges shall be in place of any appropriate civil penalty  
822 that could be imposed under subsection C of this section.

823 **12VAC5-125-180. Fees.**

824 The board Board of Health shall set the annual fees imposed for licenses and permits issued  
825 pursuant to this chapter. All fees collected shall be deposited and held by the department in a  
826 separate fund, from which shall be paid all expenditures necessary in carrying out the provisions  
827 of this chapter.

828 The board shall review the fees being charged for the services delivered by the department  
829 pursuant to Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1 as such services and fees  
830 were in effect prior to July 1, 2003, and shall revise such fees, as appropriate, consistent with the  
831 level of services required by this chapter.

832 Table 1. The fee Fee schedule established by the board is as follows:

| <u>Vendor Description: License or Permit Type</u> | <u>Annual Fee: (US Dollars)</u> |
|---|---------------------------------|
| Manufacturer of bedding                           | \$100                           |
| Manufacturer of upholstered furniture             | \$100                           |
| Renovator (bedding)*                              | \$25                            |
| Reupholsterer*                                    | \$25                            |
| Supply dealer                                     | \$25                            |
| Importer  | \$100 <u>see Table 2</u>        |
| Sanitizer   | \$60                            |
| <u>Sterilizer</u>                                 | <u>\$60</u>                     |
| <u>Distributor/wholesaler-Distributor</u>         | <u>\$100-see Table 2</u>        |

833 \*Self-employed Renovators and Reupholsterers with no employees are exempt from this fee.

834 Table 2. Importer and Distributor license fees

| <u># of Associated URNs</u> | <u>Importer Annual Fee (US Dollars)</u> |
|-----------------------------|---|
|-----------------------------|---|

|   |                  |
|---|------------------|
| <u>1</u>  | <u>100</u>       |
| <u>2</u>  | <u>100</u>       |
| <u>3</u>  | <u>300</u>       |
| <u>4</u>  | <u>400</u>       |
| <u>5-9</u>  | <u>805</u>       |
| <u>10-14</u>  | <u>1,380.00</u>  |
| <u>15-19</u>  | <u>1,995.00</u>  |
| <u>20-24</u>  | <u>2,530.00</u>  |
| <u>25-29</u>  | <u>3,105.00</u>  |
| <u>30-34</u>  | <u>3,680.00</u>  |
| <u>35-39</u>  | <u>4,255.00</u>  |
| <u>40-44</u>  | <u>4,830.00</u>  |
| <u>45-49</u>  | <u>5,405.00</u>  |
| <u>50-54</u>  | <u>5,980.00</u>  |
| <u>55-59</u>  | <u>6,555.00</u>  |
| <u>60-64</u>  | <u>7,130.00</u>  |
| <u>65-69</u>  | <u>7,705.00</u>  |
| <u>70-74</u>  | <u>8,280.00</u>  |
| <u>75-79</u>  | <u>8,855.00</u>  |
| <u>80-84</u>  | <u>9,430.00</u>  |
| <u>85-89</u>  | <u>10,005.00</u> |
| <u>90-94</u>  | <u>10,580.00</u> |
| <u>95-99</u>  | <u>11,155.00</u> |
| For 100 or more licenses, the additional fee for each increment of 5 licenses is \$575. |                  |

**835** DOCUMENTS INCORPORATED BY REFERENCE (12VAC5-125)

**836** 2004 Manual of Labeling Laws, Registration Requirements, International Sleep Products  
**837** Association.