

By: Representative Hobgood-Wilkes

To: Public Health and Human Services

HOUSE BILL NO. 645

1 AN ACT TO PROHIBIT THE SALE OR LEASE OF A SECONDHAND MATTRESS  
2 UNLESS THE PROSPECTIVE CONSUMER IS GIVEN NOTICE THAT THE MATTRESS  
3 IS PREVIOUSLY OWNED; TO REQUIRE A YELLOW DISCLOSURE TAG TO BE  
4 ATTACHED TO PREVIOUSLY OWNED MATTRESSES AND BOX SPRINGS; TO  
5 REQUIRE THE OFFICE OF CONSUMER PROTECTION IN THE ATTORNEY  
6 GENERAL'S OFFICE TO INVESTIGATE ALLEGED VIOLATIONS OF THIS ACT;  
7 AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) A person may not sell or lease, or offer to  
10 sell or lease, any previously owned mattress unless the person  
11 discloses to a prospective buyer or lessee that the mattress  
12 previously had been sold or leased to, or otherwise possessed by,  
13 a consumer. In addition to any verbal disclosure given to a  
14 prospective buyer or lessee that a mattress is previously owned, a  
15 tag must be securely attached to a secondhand mattress which  
16 contains the following statement in the English language: "THIS  
17 MATTRESS/BOX SPRING IS PREVIOUSLY OWNED. THIS TAG IS NOT TO BE  
18 REMOVED EXCEPT BY THE CONSUMER." The tag must be yellow in color  
19 and must be no less than three (3) by four and one-half (4-1/2)  
20 inches in size. For purposes of this section, the term



21 "previously owned mattress" means a mattress, including a box  
22 spring, that previously has been sold, leased or otherwise  
23 possessed by a person which subsequently is being offered for sale  
24 or lease again.

25 (2) The Office of Consumer Protection in the Office of the  
26 Attorney General shall investigate alleged violations of this  
27 section. A violation of this section is considered an unfair or  
28 deceptive act in the conduct of trade or commerce, and a consumer  
29 is entitled to all rights and remedies afforded under Chapter 24,  
30 Title 75, Mississippi Code of 1972.

31 **SECTION 2.** This act shall take effect and be in force from  
32 and after July 1, 2022.

