

By: Senator(s) Frazier

To: Judiciary, Division B;
Public Health and Welfare

SENATE BILL NO. 2387

1 AN ACT TO PROHIBIT THE SALE OF A SECONDHAND MATTRESS WITHOUT
2 THE ATTACHMENT OF A SPECIFIED TAG INDICATING THAT A MATTRESS IS
3 SECONDHAND; TO REQUIRE CERTAIN OTHER INFORMATION ON THE TAG; TO
4 PROVIDE A PENALTY FOR VIOLATION OF THE SECTION; TO SET FORTH
5 CERTAIN EXCEPTION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) Each mattress containing any secondhand
8 material, sold in this state, must have securely and permanently
9 attached to it a white cloth tag that:

10 (a) Is visible on the outside covering, with the
11 visible part being not less than six (6) square inches in size;

12 (b) Will not flake when abraded; and

13 (c) Is indelibly stamped or printed in the English
14 language a statement or statements:

15 (i) Describing the kind of materials used in
16 filling the mattress;

17 (ii) Indicating that the mattress itself is
18 secondhand or that certain specified material contained in the
19 mattress is secondhand; and



20 (iii) Indicating a description of the original
21 date of manufacture of the mattress. A good-faith effort to
22 describe the original date of manufacture shall be sufficient for
23 this subparagraph.

24 **SECTION 2.** (1) A person who knowingly sells a secondhand
25 mattress in violation of Section 1 of this act is guilty of a
26 misdemeanor. Upon conviction, the person shall be punished:

27 (a) For a first offense by a fine of Fifty Dollars
28 (\$50.00);

29 (b) For a second offense, a fine of Five Hundred
30 Dollars (\$500);

31 (b) For a third or subsequent offense, a fine of Two
32 Thousand Five Hundred Dollars (\$2,500).

33 **SECTION 3.** The provisions of this act do not apply to:

34 (a) The sale by a householder of a secondhand mattress
35 that was owned and used by the householder or the householder's
36 family and was not acquired for the purpose of resale.

37 (b) The sale by an entity that has received a
38 determination of exemption from the internal revenue service under
39 26 U.S.C. Section 501(c)(3) and is not organized or operated for
40 profit and where no part of the net earnings of the entity inures
41 to the benefit of any private shareholder or individual.

42 (c) The sale of a secondhand mattress pursuant to a
43 court order.



44 **SECTION 4.** This act shall take effect and be in force from
45 and after July 1, 2022.

