

By: Representative Hobgood-Wilkes

To: Public Health and Human Services

HOUSE BILL NO. 304

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, 2023.

