



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Public Safety Services



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

Effective January 1, 2007  
Updated March 1, 2007

**Louisiana State Fire Marshal Policy  
Regarding Act 557 of the 2006 Regular Legislative Session  
Enactment of La. R. S. 40:1614. Fire Retardant Mattresses and Box Springs**

Act 557 of the 2006 Regular Legislative Session requires that, effective January 1, 2007, mattresses sold and manufactured in the state of Louisiana meet the standards of resistance to open flames. The law further indicates that the Fire Marshal shall be responsible for enforcement and may promulgate regulations to implement the purpose of R. S. 40:1614. Act 557 further states that, upon the enactment of a federal statute, rule or regulation which requires that mattresses and box springs be flame resistant, this provision shall be null and void.

Act 557 of 2006 does not identify a standard, code or technical reference by which mattresses manufactured and sold in the state are to be made fire retardant or resistant to open flames.

A federal standard, "16 CFR Part 1633, Standard for the Flammability (Open Flame) for Mattress Sets", was enacted on March 15, 2006 by the Consumer Product Safety Commission with an effective date of July 1, 2007.

The State Fire Marshal requested an opinion from the Attorney General's office (Opinion Number 06-0296) which specifically addresses the validity of Act 557 of 2006 based on the following:

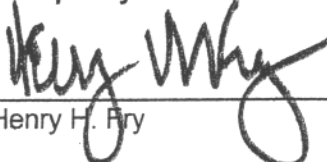
1. A federal rule was enacted prior to the enactment and effective dates of Act 557 of 2006:
2. Act 557 of 2006 does not specify a standard by which retailers (and manufacturers) are to comply and by which the State Fire Marshal's office is to enforce?

Attorney General Opinion Number 06-0296 is paraphrased as follows:

The legislation that became Act 557 was signed by the Governor on June 23, 2006. The federal rule to which subsection D of LSA-R. S. 40:1614 is applicable is 16 CFR 1633, the Standard for the Flammability (Open Flame) of Mattress sets. 16 CFR 1633 was promulgated on March 15, 2006, prior to the state law. Thus, the state law was null and void upon its enactment. Based on the above conclusion that Act 557 was null and void on its face upon enactment, the second question becomes irrelevant.

Pursuant to the Attorney General's opinion, it shall be the policy of the Louisiana State Fire Marshal's office that, upon receipt of a complaint regarding the sale or manufacture of mattresses that are not fire retardant, the State Fire Marshal's office will advise the retailer or manufacturer of the federal standard, 16 CFR Part 1633, which will be effective July 1, 2007. The State Fire Marshal's office shall also provide the retailer or manufacturer with contact information for the Consumer Product Safety Commission.

This policy is effective January 1, 2007 through June 30, 2007.

  
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For further information on **16 CFR Part 1633, Final Rule: *Standard for the Flammability (Open Flame) of Mattress Sets***, contact:

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