

# HOUSE . . . . No. 101

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Accompanying the third recommendation of the Commissioner of Public Health (House, No. 98). Mercantile Affairs.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Nine.

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### AN ACT RELATIVE TO THE MANUFACTURE AND SALE OF BEDDING, UPHOLSTERED FURNITURE AND RELATED PRODUCTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 94 of the General  
2 Laws, as appearing in the Tercentenary Edition, is  
3 hereby amended by striking out lines 170 to 185,  
4 inclusive, and substituting therefor the following:—

5 For the purposes of sections two hundred and  
6 seventy to two hundred and seventy-seven, inclu-  
7 sive, unless the context otherwise requires, the  
8 following twenty-two definitions shall apply:—

9 “Person” includes individual, copartnership, as-  
10 sociation, firm, auctioneer, trust and corporation,  
11 and the agents, servants and employees of any of  
12 them.

13 “Sell”, or any of its variants, includes any of, or  
14 any combination of, the following:— Sell, offer to  
15 expose for sale, barter, trade, deliver, give away,

16 rent, consign, lease, possess with an intent to sell  
17 or dispose of in any other commercial manner.

18 “Department” refers to the department of public  
19 health.

20 “Inspector” refers to a representative of the  
21 department.

22 “Annually”, or any of its variants, means that  
23 period beginning July first of each year and ending  
24 June thirtieth of the succeeding year, or any un-  
25 expired portion of that period.

26 “Upholstered furniture” includes any furniture,  
27 including children’s furniture, movable or station-  
28 ary which (a) is made or sold with cushions or  
29 pillows, loose or attached; or (b) is itself stuffed or  
30 filled in whole or in part with any material, hidden  
31 or concealed by fabric or any other covering, in-  
32 cluding cushions or pillows belonging to or forming  
33 part thereof, together with the structural units,  
34 the filling material and its covering and its con-  
35 tainer, that can be used as a support for the body of  
36 a human being, or his limbs and feet when sitting  
37 or resting in an upright or reclining position.

38 “Bedding” includes any quilted pad, mattress  
39 pad, hammock pad, mattress, comforter, bunk quilt,  
40 sleeping bag, box spring, studio couch, pillow,  
41 cushion, or any bag or container made of leather,  
42 cloth or any other material, or any other device that  
43 is stuffed or filled in whole or in part with concealed  
44 material in addition to the structural units and filling  
45 material used therein and its container, all of which  
46 is designed or constructed for use by any human  
47 being for sleeping, resting or reclining purposes.

48 “Bedding” also includes pillows which are hereby  
49 defined as a bag or case of cloth or other soft material

50 filled or stuffed with feathers, down, kapok, cotton,  
51 hair, wool, glass fiber, rubber, silk, rayon, or other  
52 sanitary filling not prohibited by this act, to be used  
53 as a rest or support in reclining or sleeping.

54 "Filling material" means cotton, wool, kapok,  
55 feathers, down, hair, sisal, jute, glass fiber, rubber,  
56 silk, rayon, or any other material or any combination  
57 thereof, loose, carded, felted or in batting form, pads,  
58 or any other prefabricated form concealed or not  
59 concealed to be used or that could be used in articles  
60 of bedding or upholstered furniture.

61 "New" means any article or material which has  
62 not been previously used as a part or portion of  
63 another manufactured article or used for any other  
64 purpose.

65 "Secondhand" means any material or article or  
66 portion thereof of which prior use has been made.  
67 It includes shoddy made of either new or used de-  
68 fabricated material or from thread or yarn. An  
69 article of upholstered furniture returned by the  
70 purchaser for exchange, alteration or correction,  
71 within thirty days after date of delivery after original  
72 sale at retail shall be deemed to be a new article,  
73 but thirty days after date of such delivery such  
74 article shall be deemed to be secondhand. Any  
75 article of upholstered furniture or bedding is second-  
76 hand if it contains any secondhand material in whole  
77 or in part.

78 "Manufacturer" means a person who, either by  
79 himself or through employees or agents, makes any  
80 article of upholstered furniture or bedding in whole  
81 or in part, or who does the upholstery or covering  
82 of any structural unit thereof, using either new or  
83 secondhand material.

84 "A Retailer" is a person who sells any article or  
85 thing to a consumer or user of the article purchased.

86 "Repairer" and "renovator" means a person who  
87 repairs, makes over, recovers, restores, renovates or  
88 renews upholstered furniture or bedding.

89 "Remade" or "renovated" article of bedding or  
90 upholstered furniture means an article which is not  
91 to be resold or offered for resale but is to be returned  
92 to the original consumer.

93 "Sterilizer" means a person licensed by the de-  
94 partment to sterilize any upholstered furniture or  
95 bedding and filling material or component parts  
96 thereof.

97 "Supply dealer" means a person licensed by the  
98 department to manufacture, process or sell at whole-  
99 sale any felt, batting, pads or other filling, loose, in  
100 bags, in bales, or in containers, concealed or not  
101 concealed, to be used or that could be used in articles  
102 of bedding or upholstered furniture.

103 "Residence dealer" means any person who sells  
104 any new or used article of upholstered furniture or  
105 bedding from his own or any other person's place of  
106 abode or from any salesroom not having recognized  
107 and ordinary store entrance.

108 "Owner's material" means any article or material  
109 belonging to a person for his own, or tenant's use,  
110 that is sent to any manufacturer, repairer or ren-  
111 ovator to be repaired or renovated, or used in repair-  
112 ing or renovating.

113 "Shoddy" shall mean any material which has been  
114 spun into yarn, knit or woven into fabric and subse-  
115 quently cut up, torn up, broken up, ground up or  
116 otherwise defabricated, and in the case of articles  
117 of bedding shall be designated on the label as  
118 "shoddy."

119 “Garnetted clippings” — the term “garnetted  
120 clippings” may be applied to a filling material in-  
121 tended for use in articles of upholstered furniture  
122 but not in articles of bedding if such material is  
123 composed entirely of defabricated new tailor’s  
124 clippings which have never been in actual use or  
125 from a part of an article which has never been in  
126 use. Such garnetted clippings may be labeled with  
127 the word “new.”

128 “Oily” — when any filling material contains more  
129 than five per cent of oil, it shall be designated on the  
130 label as “oily.”

1 SECTION 2. Said chapter 94 is hereby further  
2 amended by striking out sections 270 to 277, inclu-  
3 sive, as amended, and inserting in place thereof the  
4 following new sections:—

5 *Section 270. Licensing.* — Sections two hundred  
6 and seventy to two hundred and seventy-six, inclu-  
7 sive, may be cited as the furniture and bedding  
8 inspection law.

9 Except as otherwise provided in said sections,  
10 any person who advertises, solicits or contracts to  
11 manufacture, repair or renovate upholstered furni-  
12 ture or bedding, and who either does the work  
13 himself or has others do it for him, shall secure the  
14 particular license required by this act for the par-  
15 ticular type of work that he solicits or advertises  
16 that he will do, regardless of whether he has a shop  
17 or factory.

18 Every person manufacturing upholstered furni-  
19 ture and/or bedding shall annually obtain a manu-  
20 facturer’s license from the department bearing a  
21 serial number assigned by the department.

22 A wholesaler of upholstered furniture and/or

23 bedding, unless he holds a manufacturer's license,  
24 shall annually obtain a wholesale dealer's license  
25 from the department.

26 Every person repairing or renovating upholstered  
27 furniture or any article of bedding, or sterilizing any  
28 article of upholstered furniture or bedding, unless  
29 he holds a manufacturer's license, shall annually  
30 obtain a repairer's license from the department  
31 bearing a serial number assigned by the department.

32 Every person manufacturing, processing or selling  
33 at wholesale any felt or batting or any pads or loose  
34 material in bags, in bales or containers intended  
35 for use as filling material in bedding or upholstered  
36 furniture, unless he holds a manufacturer's license,  
37 shall annually procure a supply dealer's license  
38 from the department bearing a serial number assigned  
39 by it.

40 Every person selling any upholstered furniture  
41 and/or bedding at retail, including upholstered  
42 antique furniture regardless of its condition is re-  
43 quired to secure either a manufacturer's license, a  
44 wholesale dealer's license, or a repairer's license if  
45 engaged, in addition to retailing, in that type of  
46 work. However, a person engaged exclusively in  
47 retail activity need not secure a license, but shall  
48 be required to be in compliance with the act in all  
49 other respects. This does not apply to upholstered  
50 furniture or articles of bedding sold by a peace  
51 officer when so ordered by the court.

52 Any person who sells either directly or indirectly  
53 to any person either at wholesale or retail any  
54 merchandise subject to this law by means of a car,  
55 catalog, office or in any other manner shall be re-  
56 quired to be in compliance with this act, including  
57 its licensing provisions.

58 Every person doing business at the same address  
59 under more than one firm name is subject to the  
60 license provisions for each firm name.

61 The license requirements of this section shall  
62 apply to manufacturers, wholesale dealers and  
63 supply dealers doing business within this common-  
64 wealth or residing outside the commonwealth and  
65 shipping their products into the commonwealth.

66 The department shall prescribe the procedure  
67 relative to:—

68 (a) Assignment or reassignment of serial numbers.

69 (b) Transfer of licenses between persons, where  
70 such transfer is effected through rent, lease or sale  
71 of the business.

72 (c) Change in name, ownership, address or of  
73 license classification.

74 Upon three convictions of any person licensed  
75 under this act for violations of this act within any  
76 twelve-month period, and based upon successive  
77 offences separated from each other by an interval  
78 of sixty days or longer, the department, with the  
79 advice and consent of the Advisory Board, shall  
80 revoke his license, and in case of such revocation,  
81 shall not grant a new license for the balance of the  
82 license term.

83 In the case of a manufacturer, wholesale dealer  
84 or supply dealer residing outside the commonwealth  
85 who fails or refuses to submit to the jurisdiction of  
86 the Massachusetts courts, the department, at its  
87 discretion, may revoke his license forthwith.

88 No person required to have a license under the  
89 provisions of this section shall manufacture, sell,  
90 offer or expose for sale, have in possession with  
91 intent to sell, repair, remake, or renovate any bedding  
92 or upholstered furniture or filling material without

93 first obtaining such a license. No dealer or distribu-  
94 tor shall sell or purchase for purposes of sale an  
95 article of bedding or an article of upholstered furni-  
96 ture from a manufacturer or wholesale dealer who  
97 is not duly licensed or whose license has been revoked.

98 *Section 271. Labeling.* — A person shall not manu-  
99 facture or sell at wholesale or retail or otherwise  
100 directly or indirectly or otherwise directly or in-  
101 directly make, repair, renovate or offer or expose  
102 for sale or have in possession with intent to sell  
103 any article of new or secondhand upholstered furni-  
104 ture or bedding or which can be used by human  
105 beings, if it is made of any new or secondhand  
106 material which is hidden or concealed by fabric, or  
107 any other covering unless such article is plainly  
108 labeled as provided in this act and prescribed by the  
109 department.

110 A person shall not, at wholesale or retail, or other-  
111 wise directly or indirectly, make, process, prepare  
112 felt or sell any filling material or other component  
113 parts to be used or that could be used in upholstered  
114 furniture or bedding, unless such material is plainly  
115 labeled with a tag or other marking as provided in  
116 this act and prescribed by the department.

117 A person shall not, directly or indirectly, sell in  
118 this state at wholesale or retail any article of up-  
119 holstered furniture or bedding, or any filling materials  
120 or other component parts to be used or which could  
121 be used in upholstered furniture or bedding, manu-  
122 factured out of the state unless it is labeled in ac-  
123 cordance with the provisions of this act and fully  
124 complies with all the requirements of this act.

125 So far as practicable all labels required by this  
126 act shall be securely attached to the article during

127 the process of manufacture at the factory. Such  
128 labels shall be fixed in such position that they may  
129 be conveniently examined.

130 For the purposes of this section, possession of any  
131 article of bedding or of upholstered furniture or any  
132 filling material not labeled as provided herein, by  
133 any person engaged in the business of manufacturing,  
134 selling or offering for sale any such article shall be  
135 prima facie evidence that such article is being  
136 manufactured, repaired, renovated or is offered or  
137 exposed for sale in violation of the provisions of this  
138 section.

139 The label shall show or state —

140 (a) Whether the concealed materials are new or  
141 secondhand. If the materials are wholly new, the  
142 heading shall read "All New Material." If the  
143 materials are in whole or in part secondhand, the  
144 heading shall read "Secondhand Material."

145 (b) A correct description of the kind of material  
146 used for filling in accordance with the regulations  
147 of the department. In the case of feathers and  
148 down and mixtures thereof or articles containing  
149 such mixtures, such regulations may require that  
150 the label specify the kind of fowl from which ob-  
151 tained and the physical condition of such feathers  
152 and down. In the case of mattresses containing  
153 hair, said regulations may require that the label  
154 specify the correct percentage of such hair together  
155 with a statement as to its animal source. In all  
156 regulations requiring percentages to be specified  
157 upon the label, the department may include appro-  
158 priate tolerances.

159 (c) If sterilized, the statement "Contents Steri-  
160 lized."

161 (d) The serial number of the manufacturer,  
162 assigned by the department.

163 Every person who repairs or renovates upholstered  
164 furniture or bedding, either at wholesale or retail,  
165 or otherwise, for any owner or customer or for his  
166 own or tenant's use, upon receiving each article  
167 for such repair or renovating, shall securely affix  
168 immediately a tag of identification showing the  
169 owner or dealer's name, address and date upon which  
170 it was received, and when completed, shall attach  
171 the "Owner's Material" label prescribed by the  
172 department.

173 The department is hereby authorized to prescribe  
174 the wording, form style, size, material, lettering,  
175 tolerances, requirements or any changes on labels  
176 in order to carry out the provisions of this act.

177 The department may issue regulations permitting  
178 reciprocity of registration or permit number with  
179 such states having such a requirement.

180 It is unlawful to use in the description in the  
181 statement on any label any false or misleading term  
182 or designation, or term or designation likely to  
183 mislead.

184 Every person, except the purchaser for his own  
185 use, or an inspector in the performance of his duties  
186 under this act, who attempts to or does remove,  
187 deface, alter or causes to be removed, defaced or  
188 altered, the label or any mark or statement placed  
189 upon any upholstered furniture or bedding under  
190 the provisions of this act is guilty of a violation  
191 of this act.

192 No person shall manufacture for purposes of  
193 sale, sell, offer or expose for sale, or have in possession  
194 with intent to sell, any article of bedding, consisting

195 in part of metal which has previously been used,  
196 or any upholstered spring bed, box spring, studio  
197 couch, davenport, day bed, bed spring, metal bed,  
198 metal folding bed, metal couch, metal cradle, metal  
199 bassinet or similar article designed for the use of  
200 persons when sleeping or reclining, consisting in  
201 whole or in part of metal which has previously  
202 been used, unless such article is plainly and perma-  
203 nently marked or tagged "secondhand metal used  
204 in this article" and unless, if any such article is  
205 enclosed in a bale, box, crate or other receptacle,  
206 there shall be plainly marked upon such receptacle,  
207 or upon a tag securely attached thereto, a statement  
208 that the contents of such receptacle are marked as  
209 herein required.

210 *Section 272. Sterilization.* — No person shall en-  
211 gage in the business of sterilizing articles or filling  
212 materials referred to in sections two hundred and  
213 seventy to two hundred and seventy-six, inclusive,  
214 without first obtaining a license from the department.

215 Every such person shall apply for a license and  
216 set forth the place where the sterilizer's apparatus  
217 will be located, the type and kind of equipment  
218 to be used, the names and addresses of true owners  
219 of the sterilizing establishment and such other data  
220 as the department may from time to time require.

221 The department shall cause an investigation to  
222 be made and if it is satisfied that the apparatus will  
223 comply with the regulations of the department  
224 pursuant to sections two hundred and seventy  
225 to two hundred and seventy-six, inclusive, the  
226 license shall be issued.

227 Inspection shall be made from time to time to  
228 determine whether the sterilizer is fully and faith-

229 fully complying with all of the provisions and regula-  
230 tions by the department promulgated as to sterili-  
231 zation.

232 No person shall use any material to make any  
233 article of bedding or upholstered furniture for sale  
234 that is made from material (a) that comes from an  
235 animal or fowl, (b) that contains any bugs, vermin,  
236 insects or filth, (c) that is unsanitary, (d) that con-  
237 tains burlap or other material that has been used  
238 for balings that is secondhand, (e) or any second-  
239 hand filling material unless such material has been  
240 thoroughly sterilized by a process approved by the  
241 department.

242 Every article of upholstered furniture and bedding  
243 and all filling material, repaired, renovated, re-  
244 conditioned or refelted for resale or repaired or  
245 renovated for an owner shall be sterilized before it  
246 is repaired or renovated, with the exception of work  
247 done in the owner's own dwelling or the repair of  
248 any defective article for the original consumer by  
249 the original manufacturer.

250 Every article of upholstered furniture or bedding  
251 from any private or public hospital, jail or other  
252 institution or which has been used by any person  
253 suffering from an infectious or contagious disease,  
254 shall be sterilized before it is repaired or renovated.

255 New or sterilized articles of upholstered furniture  
256 or bedding or materials shall at all times be kept  
257 separate from any secondhand articles or materials  
258 that are unsterilized.

259 Secondhand upholstered furniture or bedding, or  
260 secondhand filling materials or other component  
261 parts to be used or that could be used in upholstered  
262 furniture or bedding, received from outside of this

263 state shall comply with all the sterilization provi-  
264 sions of sections two hundred and seventy to two  
265 hundred and seventy-six inclusive, before it is  
266 accepted, sold or delivered, either directly or in-  
267 directly by any person.

268 All used mattresses, if intended for resale, shall  
269 be sterilized as required by sections two hundred  
270 and seventy to two hundred and seventy-six,  
271 inclusive.

272 *Section 273. Regulations and Advisory Board.*—  
273 The department is authorized to establish and  
274 promulgate all rules and regulations including those  
275 pertaining to labeling and pertaining to sterilization  
276 necessary to carry out the provisions of sections  
277 two hundred and seventy to two hundred and  
278 seventy-six, inclusive. The department is further  
279 authorized to establish definitions for filling materials.

280 There is hereby created an Advisory Board con-  
281 sisting of seven persons to be appointed by the  
282 Governor, upon the recommendations of the de-  
283 partment, and with the consent of the Governor's  
284 Council for respective terms, as follows:— Two  
285 shall be appointed for a term of one year; two shall  
286 be appointed for a term of two years; three shall  
287 be appointed for a term of three years. These  
288 persons shall be recommended by the department  
289 on the basis of their qualifications as determined  
290 by their business interests, affiliations and civic  
291 enterprise, to represent both the industry and the  
292 consumer.

293 Members of the Advisory Board shall serve with-  
294 out pay; shall meet quarterly and at other times  
295 at the discretion of the chairman; and when en-  
296 gaged in the work of the board, shall receive necessary

297 travel and other expenses. No person shall serve  
298 when he ceases to represent the interest in whose  
299 behalf he was appointed.

300 The director of the division of the department  
301 directly responsible for the enforcement of this act  
302 shall be chairman, and shall designate an employee  
303 of the department to be secretary.

304 The Board shall act entirely in an advisory  
305 capacity, except as provided in section 270. The  
306 vote of the majority of the members of the Board  
307 shall constitute an official action or recommendation.

308 *Section 274. Fees.* — The annual fee imposed for  
309 each license granted under section two hundred  
310 and seventy-two shall be ascertained by reference  
311 to the following table: —

Manufacturer's license . . . . .	\$30
Wholesale dealer's license . . . . .	30
Supply dealer's license . . . . .	30
Repairer's license . . . . .	20
Sterilizer's license . . . . .	20

312 All licenses applied for by a new firm during the  
313 license year shall be prorated on the monthly basis.  
314 The license period shall begin the month the person  
315 engages in business. The fee shall be paid in full  
316 up to the next July first. This section does not  
317 apply to any person who has been licensed during  
318 the preceding license year in any capacity.

319 Reclassification for any licensee whose license is  
320 paid for the current license year shall be obtained  
321 by paying the full license fee on the prorated basis  
322 for the entire remaining period of the license year,  
323 unless the original classification was paid for in  
324 error.

325 Renewal license fees, which are not paid before

326 September first, shall become delinquent, and there  
327 shall be added to the requisite fee a penalty of  
328 twenty per cent. If such fee and delinquent penalty  
329 is not paid on or before October first, the licensee  
330 shall be subject to such further penalties as pro-  
331 vided elsewhere in this act.

332 All fees collected under the provisions of this act  
333 shall be paid to the treasurer of the commonwealth,  
334 who shall keep such moneys in a separate fund to  
335 be known as the "Bedding and Upholstered Furni-  
336 ture Enforcement Fund", which shall be continued  
337 from year to year and shall be expended as required  
338 for the enforcement of this act. All expenses certified  
339 by the department as properly and necessarily  
340 incurred in the discharge of duties under this act,  
341 including salaries and expenses of inspectors, em-  
342 ployees, for laboratory analysis and research and  
343 for any other necessary expenses of said depart-  
344 ment under this act shall be paid out of said fund.  
345 Unexpended balances shall revert to the general fund.

346 The department may withdraw and maintain  
347 from the fund fifteen hundred dollars to be used  
348 as a revolving fund.

349 *Section 275. Enforcement.* — The department or  
350 its duly authorized representative shall have access  
351 to any premises, including those of jobbers, processors  
352 and wholesalers of filling material, subject to sec-  
353 tions two hundred and seventy to two hundred and  
354 seventy-six, inclusive, and may inspect on the  
355 premises materials intended for the manufacture  
356 of upholstered furniture or bedding, partly finished  
357 and finished articles of upholstered furniture and  
358 bedding, may open such articles including pillows  
359 or cushions belonging to or forming part thereof

360 for the purpose of inspecting concealed filling material  
361 and may take either the entire article or filling  
362 material in such quantities as may be necessary for  
363 analysis.

364 The department or its authorized representatives  
365 may determine the fitness for human use of any  
366 secondhand or damaged article of upholstered  
367 furniture or bedding for sterilization and sale, and  
368 for any materials intended to be used in the manu-  
369 facture of any article or articles of upholstered  
370 furniture or bedding, in the case of flood or some  
371 similar and unanticipated disaster.

372 The department or its duly authorized repre-  
373 sentatives may order off-sale, and may so tag, any  
374 article of bedding or upholstered furniture or material  
375 therefor, which has been found unfit or which is  
376 not tagged as required by section two hundred and  
377 seventy-one or which is tagged with a tag bearing  
378 a misleading term, description, designation or  
379 statement.

380 The department or its duly authorized repre-  
381 sentatives may tag as being unfit any article or  
382 material damaged or found unfit from any cause  
383 under the provisions of this section.

384 No articles or materials placed off-sale or declared  
385 to be unfit by the commissioner or an inspector  
386 shall be sold nor shall the contents thereof be altered,  
387 interfered with, or removed in whole or in part,  
388 nor shall the articles or contents thereof be removed  
389 or permitted to be removed from the premises when  
390 placed off-sale until such articles or materials are  
391 released by the commissioner. The commissioner  
392 or his duly authorized representative will release  
393 such articles or materials immediately upon correc-

394 tive measures being taken in compliance with this  
395 act. All articles placed off-sale or removed shall  
396 be subject to frequent examination by the inspector;  
397 shall be so placed or stored so as to be readily ac-  
398 cessible at all times and shall be produced for exami-  
399 nation upon demands of any such inspector made  
400 upon the person or persons in charge of the establish-  
401 ment or premises where such articles or materials  
402 are placed off-sale.

403 Samples of filling materials shall be taken by  
404 opening the seam of the article at a point where it  
405 may be resewed with a minimum of difficulty and  
406 where it will not affect the quality of the article,  
407 if possible.

408 The off-sale tag to be affixed in accordance with the  
409 provisions of this section to any article of suspected  
410 upholstered furniture or bedding or any filling  
411 material by an inspector shall be a red tag and shall  
412 contain such information as may be required by the  
413 department. It shall be removed immediately  
414 upon proof that provisions of sections two hundred  
415 and seventy to two hundred and seventy-six, in-  
416 clusive, have been complied with.

417 Every person who removes, or causes to be re-  
418 moved, any tag or device placed upon any uphol-  
419 stered furniture or bedding or any material by an  
420 inspector is guilty of violation of sections two hundred  
421 and seventy to two hundred and seventy-six,  
422 inclusive.

423 No person shall interfere with, obstruct or other-  
424 wise hinder any inspector of the department in the  
425 performance of his duties.

426 Any inspector having knowledge of a violation  
427 of any of the provisions of sections two hundred

428 and seventy to two hundred and seventy-six, inclu-  
429 sive, shall notify the department of the violation.  
430 Any police officer, member of any local board of  
431 health, or other town official, who has reason to  
432 believe that any provision of sections two hundred  
433 and seventy to two hundred and seventy-six, inclu-  
434 sive, has been or is being violated, shall give notice  
435 to the department.

436 The department or any inspector may cite any  
437 person engaged in manufacturing, repairing, reno-  
438 vating, sterilizing or selling any upholstered furni-  
439 ture or bedding materials intended to be used, or  
440 that could be used, in its manufacture, repair or  
441 renovation, to a hearing before the department or  
442 inspector to show cause why he should not be subject  
443 to disciplinary action or prosecution for any act  
444 or omission in violation of sections two hundred  
445 and seventy to two hundred and seventy-six,  
446 inclusive.

447 *Section 276. Penalty.* — Whoever violates any  
448 provision of sections two hundred and seventy to  
449 two hundred and seventy-five, inclusive, or any  
450 regulation made hereunder or causes such violation  
451 to take place shall be punished by a fine of not less  
452 than twenty-five dollars and not more than five  
453 hundred dollars or by imprisonment for not more  
454 than six months, or both.

1 SECTION 3. *Effective Date.* — This act shall be-  
2 come effective on June first, nineteen hundred and  
3 forty-nine.

4 If any of the provisions of this act are determined  
5 to be unconstitutional, all the remaining provisions  
6 shall continue in full force and effect.



