

HOUSE No. 1338

House Bill No. 1273, as amended on recommendation of the committee on Bills in the Third Reading, and as passed to be engrossed by the House on March 22.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-Three.

AN ACT

Relative to the Manufacture, Remaking and Sale of
Mattresses and Certain other Similar Articles.

*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. Chapter ninety-four of the General Laws
2 is hereby amended by striking out section two hundred
3 and seventy and inserting in place thereof the following:—
4 *Section 270.* No person shall manufacture for purposes
5 of sale, sell, offer or expose for sale, or have in possession
6 with intent to sell, any mattress, pillow, cushion, muff
7 bed, quilt or similar article having a filling of hair, down,
8 feathers, wool, cotton, kapok or other material, unless
9 there is plainly marked upon each such article, or upon a
10 tag of some durable substance sewed thereon, or other-
11 wise securely attached thereto, a statement of the kind of
12 material used for filling in the manufacture of such

13 article, the name of the manufacturer or vendor, and,
14 also, if the material has previously been used, the words
15 “second hand” and, unless, if any such article is enclosed
16 in a bale, box, crate or other receptacle, there shall be
17 plainly marked upon such receptacle, or upon a durable
18 tag securely attached thereto, a statement that the con-
19 tents of the package are marked as herein required.
20 Whoever renovates or remakes any mattress shall attach
21 a tag thereto bearing the word “remade” and a state-
22 ment of the kind of material used for filling. Possession
23 of any mattress, pillow, cushion, muff bed, quilt or
24 similar article, not marked as provided herein, by any
25 person engaged in the business of manufacturing, selling
26 or offering for sale any such article, shall be prima facie
27 evidence that such article is being manufactured, remade
28 or renovated, or is offered or exposed for sale, in violation
29 of the provisions of this section.

1 SECTION 2. Section two hundred and seventy-one of
2 said chapter ninety-four is hereby amended by inserting
3 after the word “sale”, in the fourth line, the words:—
4 or for use in the remaking or renovating of any such
5 article,— so as to read as follows:— *Section 271.* No
6 person shall use, in the manufacture of any mattress,
7 pillow, cushion, muff bed, quilt or similar article for pur-
8 poses of sale, or sell or offer or expose for sale, or have in
9 possession for the purpose of such use or for sale or for
10 use in the remaking or renovating of any such article,
11 any material which has previously been used in or about
12 a hospital, or on or about the person of any one having
13 an infectious or contagious disease, nor shall any person
14 sell, or offer or expose for sale, any such article containing
15 materials which have previously been so used.

1 SECTION 3. Section two hundred and seventy-two of
2 said chapter ninety-four is hereby amended by striking
3 out, in the second line, the words "silk floss" and in-
4 serting in place thereof the word: — kapok, — and by
5 striking out the second sentence and inserting in place
6 thereof the following: — No person engaged in the busi-
7 ness of selling any such materials shall ship any box,
8 crate, package or other container in which is placed any
9 such hair or other material above specified unless there is
10 attached thereto a tag containing a statement of the
11 contents of the package together with the name of the
12 vendor, and if the material has been used before, with
13 the words "second hand", — so as to read as follows: —
14 *Section 272.* No person shall sell or offer for sale any
15 second hand hair, down, feathers, wool, cotton, kapok
16 or other materials commonly used for filling mattresses,
17 pillows, cushions, muff beds, quilts or other similar
18 articles, representing the same to be new material. No
19 person engaged in the business of selling any such ma-
20 terials shall ship any box, crate, package or other con-
21 tainer in which is placed any such hair or other material
22 above specified unless there is attached thereto a tag
23 containing a statement of the contents of the package
24 together with the name of the vendor, and if the material
25 has been used before, with the words "second hand."
26 Violation of any provision of this section shall be punished
27 by a fine of not more than five hundred dollars or by
28 imprisonment for not more than six months, or both.

1 SECTION 4. Said chapter ninety-four is hereby fur-
2 ther amended by striking out section two hundred and
3 seventy-three and inserting in place thereof the following:
4 — *Section 273.* The department of public health, when-
5 ever there is reason to believe that any provision of sec-

6 tions two hundred and seventy to two hundred and
7 seventy-seven, inclusive, is being violated in any factory,
8 shop, warehouse, store or other place, shall cause an in-
9 vestigation to be made of any such place, and for this
10 purpose any member or duly authorized employee of the
11 said department may enter such building or other place
12 at all reasonable times. If, upon investigation, mattresses,
13 pillows, cushions, muff beds, quilts or similar articles, or
14 materials for use in the manufacture, remaking or renova-
15 tion of the same, shall there be found, which have been
16 previously used in or about a hospital, or on or about
17 the person of any one having an infectious or contagious
18 disease, such materials or articles, whether manufactured,
19 remade or renovated or in process of manufacture, re-
20 making or renovation, shall be marked by the said depart-
21 ment with labels bearing the word "unclean" in con-
22 spicuous letters, and the said department, with or without
23 notice to the owner or supposed owner, may order the
24 removal and destruction of the said materials or articles
25 or make such other order relating thereto as the circum-
26 stances of the case require. Whoever obstructs, hinders
27 or in any way interferes with any duly authorized em-
28 ployee of the department in the performance of his official
29 duties under this and the following section shall for the
30 first offence be punished by a fine of not more than fifty
31 dollars and for a subsequent offence by a fine of not
32 more than one hundred dollars.

1 SECTION 5. Said chapter ninety-four is hereby amended
2 by striking out section two hundred and seventy-seven
3 and inserting in place thereof the following new section:
4 *Section 277.* Whoever violates any provision of section
5 two hundred and seventy or two hundred and seventy-one
6 shall be punished by a fine of not more than five hundred

7 or by imprisonment for not more than six months, or
8 both.

HOUSE OF REPRESENTATIVES, Mar. 22, 1923.

Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

