

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 220. BUNK BED RULES [REVOKED]**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions

310:220-1-1 [REVOKED]

310:220-1-2 [REVOKED]

310:220-1-3 [REVOKED]

Subchapter 3. Labeling

310220-3-1 [REVOKED]

AUTHORITY:

Commissioner of the Oklahoma State Department of Health; 63 O.S. § 1-104

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n/a

INCORPORATIONS BY REFERENCE:

n/a

GIST/ANALYSIS:

Chapter 220 is being revoked. HB2788 amended 63 O.S. § 1-1002.2 to remove the requirement that the Commissioner promulgate rules establishing requirements for retailers of bunk beds. Retailers of bunk beds remain subject to the safety requirements imposed by 63 O.S. §§ 1002.2 et seq.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3 (5) AND 308 (E), WITH AN EFFECTIVE DATE OF AUGUST 11, 2024:

SUBCHAPTER 1. GENERAL PROVISIONS [REVOKED]

310:220-1-1. Purpose [REVOKED]

The rules in this Chapter implement the Whitney Starks Act, 63 O.S. Supp. 1998, Section 1-1002.1 et seq.

310:220-1-2. Definitions [REVOKED]

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Bed end structure" means the upright unit at the head and foot of the bed to which side rails attach.

"Bunk bed" means any bed in which the underside of the foundation is over thirty five (35) inches from the floor.

"Department" means the Oklahoma State Department of Health.

"Foundation" means the base or support for a mattress.

"Guardrail" means a rail attached to each long side or ends of the bed.

"Retailer" means a person who sells articles directly to the final consumer.

310:220-1-3. Construction [REVOKED]

(a) No retailer shall sell or resell a bunk bed in which the distance between the lower edge of the guard rail and the upper edge of the bed frame or the lower edge of the bed end structure and the upper edge of the bed frame exceeds three and one half (3½) inches. A guardrail system that terminates before reaching the bed end structure is acceptable providing there are no more than 15 inches (380 mm) between either end of the guardrail and the bed end structures.

(b) The foundation support system, in the event cross members are used, shall have at least two (2) cross members. If more than two (2) cross members are used, they shall be spaced so that the distance between adjacent cross members or between cross members and the bed end structures is less than three and one half (3½) inches or more than nine (9) inches.

SUBCHAPTER 3. LABELING [REVOKED]

310:220-3-1. Labeling requirements [REVOKED]

(a) Each bunk bed offered for sale by a retailer shall be posted with an indelible warning which includes the name, city, and state of the manufacturer or distributor.

(b) The letters of the word "WARNING" shall be in uppercase boldface type not less than three-sixteenth (3/16) inch or five (5) millimeters high and shall be the first line of the label. The letters in "DO NOT REMOVE THIS LABEL" shall be in uppercase boldface type not less than one-eighth (1/8) inch or three (3) millimeters high and shall be the last line in the label.

(c) The remainder of the text of the label shall be no less than one-eighth (1/8) inch or three (3) millimeters high with the words "to help prevent" in boldface type. The language contained in the warnings shall read: To help prevent serious or fatal injuries from entrapment or falls:

(1) Never allow a child under six (6) years on the upper bunk;

(2) Use only a mattress which is not more than 3½ inches shorter than the bed length and not more than 3½ inches narrower than the bed width on the upper bunk;

(3) Ensure the thickness of the mattress does not exceed (list thickness here) and the mattress is at least five (5) inches below the upper edge of the guardrails;

(4) Use guardrails on both sides of the upper bunk;

(5) Prohibit horseplay on or under the bed(s);

(6) Prohibit more than one (1) person on the upper bunk; and

(7) Use a ladder for entering and leaving the upper bunk.

(d) For mattress and foundations the label shall specify a mattress and foundation size for the bunk bed that is no less than three and one half (3½) inches smaller than the length or width of the interior bed structure. The thickness of the mattress and foundation specified shall be at least five (5) inches below the upper edge of the guardrails and the upper edge of the bed end structures. The language contained in the warnings shall read: To help prevent serious or fatal injuries from entrapment or falls:

(1) Never allow a child under six (6) years on the upper bunk;

- ~~(2) Use only a mattress which is not more than 3½ inches shorter than the bed length and not more than 3½ inches narrower than the bed width;~~
- ~~(3) Ensure thickness of the mattress and foundation combined is at least five (5) inches below the upper edge of the guardrails;~~
- ~~(4) Use guardrails on both sides of the upper bunk;~~
- ~~(5) Prohibit horseplay on or under the bed(s);~~
- ~~(6) Prohibit more than one (1) person on the upper bunk; and~~
- ~~(7) Use a ladder for entering and leaving the upper bunk.~~
- ~~(e) The label shall be attached permanently to a bed end structure of the upper bunk in a location that cannot be covered by the bedding but that may be covered by the placement of a pillow.~~