



**CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

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CITY CLERK

2015 APR -2 PM 1:04

TO: Mayor & City Council

FROM: Councilman Alan E. Warrick, II, District 2

COPIES TO: Sheryl Sculley, City Manager; Leticia Vacek, City Clerk; Edward Benavides, Chief of Staff; Christopher Callanen, Assistant to the City Council; Martha G. Sepeda, Acting City Attorney; John Peterek, Senior Management Analyst

SUBJECT: San Antonio Mattress Consumer Protection

DATE: April 1, 2015

Issue Proposed for Consideration

I ask for your support for the inclusion of the following item on the agenda of the earliest available meeting of the Governance Committee:

It has come to my attention that retail stores throughout the City of San Antonio have displayed and presumptively sold unlabeled and/or untreated secondhand/recycled bedding. In order to prevent consumers from unknowingly purchasing unlabeled and/or untreated secondhand/recycled mattresses, I ask the city staff to research and recommend measures to mitigate and prevent San Antonio consumers from unwittingly purchasing secondhand/recycled mattress.

Brief Background

Health Concern Issues

Secondhand and untreated mattresses may contain perspiration, urine, feces, blood, dust mites, bed bugs and skin cells. Moreover, secondhand/recycled mattress may contain dangerous bacteria. The unknowing purchase of a secondhand/recycled mattress can not only lead to possible physical harm, but also is a clear breach of a consumer's trust. San Antonio residents have the right to know if they are exposing themselves or loved ones to the health concerns that may be associated with purchasing a secondhand or recycled mattress.

Current Texas Laws

Currently, secondhand bedding sales are governed by the Texas Bedding Act (the "Act). The Act states that any mattress made of secondhand and recycled material must have a label that is 12 square inches attached to the mattress. The label is supposed to have the words "Secondhand or Recycled Material" at least one-fourth inch high.

In addition, all secondhand bedding must have the following information on the "secondhand label": a statement that the mattress has been germicidally treated; a statement of the method of germicidal treatment; the date the article was germicidally treated; the name and address of the person

for whom the article was germicidally treated; and the permit number of the person applying the germicidal treatment.

Unfortunately, there are numerous examples of stores that fail to place the appropriate tag on secondhand or recycled bedding.

A Proactive Approach to Protecting San Antonio Mattress Consumers

Based upon data collected from the Department of State Health Services, there is a real threat of consumers unwittingly purchasing secondhand/recycled bedding. Moreover, even if a mattress is properly labeled, consumers may not check for the “used” tag on a mattress--especially when they are buying a mattress from a national mattress store. I believe the City needs to take a proactive approach to inform San Antonio consumers that they are entering a store that sells secondhand or recycled bedding. Accordingly, I recommend that the City of San Antonio issue the following consumer protection ordinances:

1. A person or store that wishes to sell secondhand or recycled mattress must register with the City.
2. A person or store that wishes to sell secondhand or recycled mattress must have a sign no smaller than 20 inches by 20 inches on the door of the store’s entrances that states “This facility sells secondhand, used and/or recycled mattresses.” in 34 point font. The signage must be on yellow paper with red lettering.
3. A person or store that sells a secondhand or recycled mattress must provide a purchaser with a notice at the time of checkout (in addition to the receipt) on a letter size, yellow piece of paper that the mattress that the consumer is purchasing is a secondhand or recycled mattress. Each customer who purchases a used mattress must initial next to the aforementioned disclaimer and the seller must keep that notice on file for at least 6 months from the date of the sale.
4. Every company that sells a secondhand or recycled upholstered sofa bed, reclining chair, studio couch, or mattress must have the article germicidally cleaned.
5. Each time a person or store quotes a price for a secondhand or recycled mattress, including over the phone or through email, that person or store must state that the quoted prices is for a secondhand or recycled mattress.
6. Any violation of the aforementioned rules would result in a Class C misdemeanor with a monetary penalty not to exceed \$500.00 for each day that a violation continues.

Submitted for Council consideration
by:



Councilman Alan E. Warrick, II, District 2

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District No.

City Council Consideration Request: San Antonio Mattress Consumer Protection

Supporting Councilmembers' Signatures (4 only)

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