

CHAPTER 61 - SANITATION OF BEDDING

02 NCAC 61 .0101 DEFINITIONS

The following definitions shall apply throughout these Rules:

- (1) "Chief Financial Officer" means the officer or employee with primary bookkeeping responsibility for a business that manufactures or sanitizes bedding in this State or manufactures bedding to be sold in this state.
- (2) "Person" means an individual, corporation, company, partnership, or other legal entity.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Amended Eff. January 1, 1988;
Transferred from 15A NCAC 18B .0201 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.*

02 NCAC 61 .0102 AUTHORIZED SANITIZING PROCESSES

(a) In the dry heat process, secondhand or previously used bedding must be heated at a temperature of 230 degrees F. for a period of two hours. The chamber in which this process is performed must be insulated sufficiently to ensure maintenance of a uniform temperature of 230 degrees F. Articles to be sanitized must be placed on racks, or other devices provided therein so that a minimum space of six inches is left around each item being sanitized, and between the item and the walls, floor, ceiling, and other items. Loose materials to be sanitized must be placed on tiers or slats, or in other arrangements that permit an even distribution of heat throughout the material. A thermometer that has been checked for accuracy within one degree F. must be placed within the chamber at a point where it can be read at all times through a window for that purpose.

(b) In the washing process, the bedding shall be boiled for two hours and washed with a soap or detergent. After drying, the bedding shall be free from dirt, marks, stains, or other offensive odors or materials.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Amended Eff. January 1, 1985;
Transferred from 15A NCAC 18B .0202 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.*

02 NCAC 61 .0103 OTHER METHODS OF SANITIZING

Notwithstanding the provisions of Rule .0102 of this Section, other methods of sanitizing may be used after receiving the approval of the Division. The Division shall approve other methods of sanitation provided the applicant has submitted an application with data to demonstrate the effectiveness of the method in destroying pathogenic microorganisms and arthropods, and removing dirt and filth.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Amended Eff. September 1, 1990;
Transferred from 15A NCAC 18B .0203 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.*

02 NCAC 61 .0104 DISPOSAL OF UNCLEAN BEDDING

Secondhand bedding and previously-used materials that show evidence of contamination with feces, urine, pus, vomit, blood, mucus, or are not clean after using methods described in Rules .0102 or .0103 of this Section must be removed from use and destroyed.

*History Note: Authority G.S. 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0204 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.*

02 NCAC 61 .0105 STORAGE OF SECONDHAND OR PREVIOUSLY-USED MATERIALS

When secondhand bedding or previously-used materials that have not been sanitized are stored in a bedding manufacturing establishment, a sanitizing business, a retail outlet, a distribution warehouse, or in the same room with new or sanitized bedding or bedding materials, the secondhand bedding or previously-used materials must be segregated from the new or sanitized bedding or bedding materials by partitions that are free of holes, cracks, or other openings. The top of the partitions must be at least one foot higher than the level of the unsanitized materials.

History Note: Authority G.S. 106-65.98; 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0205 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.

02 NCAC 61 .0106 NON-TRANSFERABLE REGISTRATION

Upon receipt of the application form set forth in Rule .0108 of this Chapter, the Division shall issue a registration number to all persons manufacturing or sanitizing bedding in this State or manufacturing bedding to be sold in this State unless the person has a registration number from another state. The registration numbers shall not be transferable.

History Note: Authority G.S. 106-65.102; 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0206 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.

02 NCAC 61 .0107 TRANSFER OF MANUFACTURERS' AND SANITIZERS' LICENSES

(a) If any person to whom a manufacturer's license or sanitizer's license has been issued shall sell his or her manufacturing or sanitizing business he or she may transfer the license with the business in accordance with Paragraph (b) of this Rule.

(b) The Division shall approve the transfer provided the purchaser has submitted the following:

- (1) the name and address of the seller;
- (2) the location of the establishment being purchased;
- (3) the name of the establishment being purchased;
- (4) the name and address of the purchaser;
- (5) the effective date of sale; and
- (6) whether the name of the establishment being purchased is to be changed, and if so, the name under which it is to be operated by the purchaser.

(c) The Division shall notify the purchaser in writing of the approval of the transfer.

History Note: Authority G.S. 106-65.102; 106-65.107;
Eff. April 1, 1984;
Transferred from 15A NCAC 18B .0207 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.

02 NCAC 61 .0108 LICENSE FEES AND APPLICATIONS

(a) Applications for a license shall be on a form provided by the Division and shall include the following information:

- (1) the name of the business;
- (2) the physical address for the plant or operation;
- (3) the name, title, mailing address, and telephone number for the contact person for the license; and
- (4) the type of bedding items the business manufactures.

(b) The applicant shall submit a verification from the applicant's chief financial officer that he has examined the records of the applicant and that the information provided in accordance with G.S. 106-65.103 correctly reflects the information contained in the records of the applicant. However, if the Division has reason to believe that the information provided is incomplete, misleading or incorrect, the Division may require the applicant to obtain a certification of the required information by an independent Certified Public Accountant licensed to practice in North Carolina.

(c) License fees, in accordance with G.S. 106-65.103, shall be paid in full on March 1 of each year or in quarterly installments on March 1, June 1, September 1, and December 1 of each year. Applicants who have not operated for a

full calendar year may owe additional fees or be due a refund for the first year's operation, depending on the business volume eligible for stamp exemption fee payment. Application forms for making the determination of fee payment owed or refunded shall be furnished by the Division. When the requirements of G.S. 106-65.103(a) can be met, the option described by G.S. 106-65.103(b) will no longer be available to the applicant.

(d) Applicants who have gone out of business in the initial year of their operation and who have paid the license fee in accordance with G.S. 106-65.103 may apply for a refund for the remainder of the calendar year upon providing verified proof of the bedding units sold or manufactured in North Carolina during the operating portion of the calendar year.

(e) All forms may be obtained from the Division at www.ncagr.gov/SPCAP/Sleep/beddinglicense.htm.

History Note: Authority G.S. 106-65.103; 106-65.107;
Eff. April 1, 1984;
Amended Eff. September 1, 1990; January 1, 1988;
Transferred from 15A NCAC 18B .0208 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.

02 NCAC 61 .0109 CANCELLATION OF LICENSES

A license shall be issued to persons manufacturing or sanitizing bedding in this state or manufacturing bedding to be sold in this state in accordance with G.S. 106-65.103. When the person to whom the license was issued goes out of business, the license shall be canceled. Upon submission of proof to and determination by the Division that the person's initial payment was more than the amount for which the person is responsible for any remaining quarters, a refund is owed to the person going out of business shall be made by the Division in accordance with G.S. 106-65.103(b) for any remaining quarters.

History Note: Authority G.S. 106-65.103; 106-65.107;
Eff. April 1, 1984;
Amended Eff. September 1, 1990; January 1, 1988;
Transferred from 15A NCAC 18B .0209 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.

02 NCAC 61 .0110 DURABLE MATERIALS FOR TAGS

In addition to the requirements set forth in G.S. 106-65.99, identifying tags shall be of linen, muslin, or other durable cloth material that will not flake when abraded. Paper or plastic face tags shall not be allowed. Tags shall be printed or stamped on one side only in colorfast black letters that will not fade or wash out. Tags shall be so located that the information contained thereon is visible to the purchaser at all times and shall be sewed to the pillows, mattresses, sleeping bags, comforters, and other articles of bedding. The labeling requirements of another governmental unit may appear on the tag.

History Note: Authority G.S. 106-65.99; 106-65.107;
Eff. April 1, 1984;
Amended Eff. January 1, 1988;
Transferred from 15A NCAC 18B .0210 Eff. May 1, 2012;
Readopted Eff. January 1, 2021.

02 NCAC 61 .0111 EFFECTIVE DATE OF LICENSES

The licenses issued pursuant to these Rules shall be valid from the first day of March of any calendar year through the last day of February of the following year, except for partial year licenses issued in accordance with G.S. 106-65.103(d). If the license fee or an installment of the license fee has not been paid by the due date listed in 02 NCAC 61 .0108(c), the license shall be invalid and the Division shall prohibit sale pursuant to G.S. 106.65-105.

History Note: Authority G.S. 106-65.103; 106-65.105; 106-65.107;
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