



FREQUENTLY-ASKED QUESTIONS: NEW YORK HARPER'S LAW

*On August 13, 2019, New York Governor Andrew Cuomo signed Harper's Law, legislation designed to reduce the number of children harmed by furniture tipping over. It is intended to prohibit retailers in the State of New York from selling clothing storage furniture that fails to comply with the ASTM International furniture stability standard, F2057-19. This standard requires clothing storage units to pass two stability tests, to carry a permanent warning label and to be shipped with tip restraints and instructions for installing them. **New York retailers have until November 11, 2019 to comply with Harper's Law.***

- 1. Some retailers have clothing storage furniture that complies with ASTM F2057-17 in their inventory. Can stores continue selling these compliant products after November 11, 2019 – the implementation date for Harper's Law – even though the warning label required by F2057-17 is slightly different from the warning label in the recently updated F2057-19?**

Yes. Harper's Law requires new clothing storage units to be compliant with "a standard established by ASTM International which requires furniture to contain a tip restraint device and carry a permanent warning label." Inventory that complies with F2057-17 meets these criteria.

- 2. Section 3 of Harper's Law allows the sale of furniture that does not comply with the ASTM stability standard if it is "outside the scope" of the standard. What does this mean?**

When Harper's Law was written, ASTM F2057 covered clothing storage furniture over 30 inches in height. Those who drafted the law wanted to include all clothing storage units 27 inches and taller. They drafted Section 3 to allow the sale of clothing storage units 27 to 30 inches in height, as long as specific requirements are met.

ASTM F2057 was updated on August 12, 2019, and now covers units 27 inches and taller. Therefore, an "out of scope" unit is one 27 to 30 inches tall with a manufacture date prior to August 12, 2019.

- 3. What are the requirements for a retailer to sell these "out of scope" clothing storage units?**

Harper's Law provides retailers with two options for selling out-of-scope clothing storage units.

Option #1: Include a compatible tip restraint with the out-of-scope product **and** a permanent warning label.

Option #2: Maintain a stock of tip restraint devices that are compatible with the out-of-scope units, **and** “prominently” display them for sale within the store, **and** post a warning notice in a “conspicuous location, which may be easily seen or reached by customers.”

The posted warning notice is prescribed by law and must state: **“Certain furniture may become unstable and tip over leading to possible injury or death. Tip restraint devices may prevent tipping of furniture when properly installed.”**

4. For retailers who choose Option #1, what is the language required by Harper’s Law for the permanent warning label on 27- to 30-inch products that are “out of scope”?

The law only specifies the language for the posted warning notice, as noted above. For an on-product warning label, AHFA strongly discourages retailers from using the warning label language required by ASTM F2057, which is proprietary to the ASTM standard and signifies a compliant product. Placing this label on a non-compliant product will create confusion in the marketplace between compliant and non-compliant units.

Instead, AHFA recommends using the same language for the on-product label as the store signage language prescribed by Harper’s Law, as noted above and here: **“Certain furniture may become unstable and tip over leading to possible injury or death. Tip restraint devices may prevent tipping of furniture when properly installed.”**