

## IMPORTANT: NOTICE OF LEGAL CHANGES TO CALIFORNIA PROGRAM

On October 10, 2019, Governor Gavin Newsom signed into law AB 187 that amends California's Used Mattress Recovery and Recycling Act (SB 254). The amendments include the following important changes to the legal obligations of mattress manufacturers, distributors and retailers:

### **Effective January 1, 2020:**

**Futons have been added to California's definition of "mattress."** For these purposes, a futon must meet the general definition of a mattress, which the law defines as "a resilient material or combination of materials that is enclosed by a ticking, is used alone or in combination with other products, and is intended for or promoted for sleeping upon." The fee and recycling obligations apply only to the futon mattress. They do not apply to the futon frame or base. These changes only affect Mattress Recycling Council (MRC) program participants in California. Futons are not included in MRC's Connecticut or Rhode Island programs.

This change means that:

- Manufacturers and retailers of futons that **are** registered with MRC must update their company profiles at MRCreporting.org if they manufacture or sell futons to any California end users.
- Manufacturers of futons that **are not** registered with MRC but that manufacture or sell futons to California end users must register their brands and URNs at MRCreporting.org.
- Retailers that **are not** registered with MRC but sell futons to California end users must register at MRCreporting.org.
- Retailers must collect a recycling fee of \$10.50 on each futon sold on or after January 1, 2020 to any end user in California. Retailers must remit the collected fees to MRC monthly.
- Futons will be accepted at MRC recyclers as part of the California program beginning January 1, 2020.

**Effective March 1, 2020:**

Parties that distribute mattresses to retailers or other sellers that will ultimately be sold to California end users on or after March 1, 2020 must register with MRCreporting.org as a “distributor” or update their existing profile to include this information.

**Effective January 1, 2021:**

Under SB 254, a California retailer that delivers a new mattress to a consumer must offer to pick up a used mattress at the time of delivery at no additional cost to the consumer. This requirement does not apply if (a) the used mattress to be picked up is contaminated and poses a risk to personnel, new products, or equipment; or (b) the new mattress was purchased online and delivered by common carrier. **AB 187 eliminates the exception for mattresses delivered by common carrier. This means that a party that sells mattresses to end users in California on or after January 1, 2021 and delivers them by common carrier must offer to pick up a used mattress for recycling from**

**that consumer at no additional charge within 30 days of the delivery of the new mattress** (unless the used mattress is contaminated and poses a risk to personnel, new products, or equipment).

To register or update your registration, visit [MRCreporting.org](http://MRCreporting.org). Click [here](#) for frequently asked questions. For more detailed information, contact MRC at [info@mattressrecyclingcouncil.org](mailto:info@mattressrecyclingcouncil.org) or 1-855-229-1691.



Mattress Recycling Council (MRC) is a non-profit organization formed by the industry to operate recycling programs in states which have enacted mattress recycling laws. Connecticut's program launched on May 1, 2015, California launched December 30, 2015 and Rhode Island began May 1, 2016. Each state's program is funded by a recycling fee that is collected when a mattress or box spring is sold. The fees pay for the transportation and recycling of the mattresses.