AMENDMENT NO.______  Calendar No.______

Purpose: In the nature of a substitute.


S. 3232

To require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes.

Referred to the Committee on __________________ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Ms. KLOBUCHAR (for herself, Mr.
BLUMENTHAL, Mr. CASEY, and Mr. BLUNT)

Viz:

1 Strike all after the enacting clause and insert the fol-
   lowing:

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Stop Tip-overs of Un-
   stable, Risky Dressers on Youth Act” or the “STURDY
   Act”. 
SEC. 2. CONSUMER PRODUCT SAFETY STANDARD TO PROTECT AGAINST TIP-OVER OF CLOTHING STORAGE UNITS.

(a) CLOTHING STORAGE UNIT DEFINED.—In this section, the term "clothing storage unit" means any free-standing furniture item manufactured in the United States or imported for use in the United States that is intended for the storage of clothing, typical of bedroom furniture,

(b) CPSC DETERMINATION OF SCOPE.—The Consumer Product Safety Commission shall specify the types of furniture items within the scope of subsection (a) as part of a standard promulgated under this section based on tip-over data as reasonably necessary to protect children up to 72 months of age from injury or death.

(c) CONSUMER PRODUCT SAFETY STANDARD REQUIRED.—

(1) IN GENERAL.—Except as provided in subsection (f)(1), not later than 1 year after the date of the enactment of this Act, the Consumer Product Safety Commission shall—

(A) in consultation with representatives of consumer groups, clothing storage unit manufacturers, craft or handmade furniture manufacturers, and independent child product engineers and experts, examine and assess the ef-
fectiveness of any voluntary consumer product
safety standards for clothing storage units; and

(B) in accordance with section 553 of title
5, United States Code, and paragraph (2), pro-
mulgate a final consumer product safety stand-
ard for clothing storage units to protect chil-
dren from tip-over-related death or injury; that
shall take effect 180 days after the date of pro-
mulagation or such a later date as the Commis-
sion determines appropriate.

(2) REQUIREMENTS.—The standard promul-
gated under paragraph (1) shall protect children
from tip-over-related death or injury with—

(A) tests that simulate the weight of chil-
dren up to 60 pounds;

(B) objective, repeatable, reproducible, and
measurable tests or series of tests that simulate
real-world use and account for impacts on
clothing storage unit stability that may result
from placement on carpeted surfaces, drawers
with items in them, multiple open drawers, and
dynamic force;

(C) testing of all clothing storage units, in-
cluding those 27 inches and above in height; and
(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(3) TESTING CLARIFICATION.—Tests referred to in paragraph (2)(B) shall allow for the utilization of safety features (excluding tip restraints) to work as intended if the features cannot be overridden by consumers in normal use.


(d) ADOPTION OF VOLUNTARY STANDARD.—

(1) IN GENERAL.—If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 180 days after the date on which such determination is made and in accordance with section 553 of title 5, United States Code, promulgate a final consumer product safety standard that adopts the applicable perform-
ance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058). Such standard shall take effect 180 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury.

(2) REQUIREMENTS.—The requirements of this paragraph with respect to a voluntary standard for clothing storage units are that such standard—

(A) includes performance requirements that meet the requirements described in subsection (c)(2);

(B) is, or will be, published not later than 120 days after the date of enactment of this Act; and

(C) is developed by ASTM International or such other standard development organization
that the Commission determines is in compliance with the intent of this Act.

(3) Notice required to be published in the Federal Register.—The Commission shall publish a notice in the Federal Register upon beginning the promulgation of a rule under this subsection.

(c) Revision of Voluntary Standard.—

(1) Notice to Commission.—If the performance requirements of a voluntary standard adopted under subsection (d) are subsequently revised, the organization that revised the performance requirements of such standard shall notify the Commission of such revision after final approval.

(2) Treatment of revision.—Not later than 90 days after the date on which the Commission is notified of revised performance requirements of a voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), the Commission shall determine whether the revised performance requirements meet the requirements of subsection (d)(2)(A), and if so, modify, in accordance with section 553 of title 5, United States Code, the standard promulgated under subsection (d) to include the revised performance re-
requirements that the Commission determines meet such requirements. The modified standard shall take effect after 180 days or such later date as the Commission deems appropriate.

(f) **Subsequent Rulemaking.**——

(1) **In General.**——Beginning 5 years after the date of enactment of this Act, subsequent to the publication of a consumer product safety standard under this section, the Commission may, at any time, initiate rulemaking, in accordance with section 553 of title 5, United States Code, to modify the requirements of such standard or to include additional provisions if the Commission makes a determination that such modifications or additions are reasonably necessary to protect children from tip-over-related death or injury.

(2) **Petition for Revision of Rule.**——

(A) **In General.**——If the Commission receives a petition for a new or revised test that permits incorporated safety features (excluding tip restraints) to work as intended, if the features cannot be overridden by consumers in normal use and provide an equivalent or greater level of safety as the tests developed under subsection (c)(2) or the performance requirements
described in subsection (d)(2)(A), as applicable,
the Commission shall determine within 120
days—

(i) whether the petition meets the re-
quirements for petitions set forth in sec-
tion 1051.5 of title 16, Code of Federal
Regulations, or any successor regulation
implementing section 9(i) of the Consumer
Product Safety Act (15 U.S.C. 2058(i));
and

(ii) whether the petition demonstrates
that the test could reasonably meet the re-
quirements of subsection (c)(2)(B), and if
so, the Commission shall determine by re-
corded vote, within 60 days after the deter-
mination, whether to initiate rulemaking,
in accordance with section 553 of title 5,
United States Code, to revise a consumer
product safety standard promulgated
under this section to include the new or re-
vised test:

(B) DEMONSTRATION OF COMPLIANCE.—
Compliance with the testing requirements of a
standard revised under paragraph (2)(A) may
be demonstrated either through the perform-
ance of a new or revised test under paragraph (2)(A) or the performance of the tests otherwise required under a standard promulgated under this section.

(3) Treatment of Rules.—Any rule promulgated under this subsection, including any modification or revision made under this subsection, shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).