AMENDMENT NO._______  Calendar No._____

Purpose: In the nature of a substitute.


S. 3278

To protect children and other consumers against hazards associated with the accidental ingestion of button cell or coin batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-resistant closures on consumer products that use such batteries, 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 ____________

Viz:

1 Strike all after the enacting clause and insert the following:

2

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as “Reese’s Law”.

SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUTTON CELL OR COIN BATTERIES AND CONSUMER PRODUCTS CONTAINING SUCH BATTERIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commission shall, in accordance with section 553 of title 5, United States Code, promulgate a final consumer product safety standard for button cell or coin batteries and consumer products containing button cell or coin batteries that shall only contain—

(1) a performance standard requiring the button cell or coin battery compartments of a consumer product containing button cell or coin batteries to be secured in a manner that would eliminate or adequately reduce the risk of injury from button or coin cell battery ingestion by children that are 6 years of age or younger during reasonably foreseeable use or misuse conditions; and

(2) warning label requirements—

(A) to be included on the packaging of button cell or coin batteries and the packaging of a consumer product containing button cell or coin batteries;

(B) to be included in any literature, such as a user manual, that accompanies a consumer
product containing button cell or coin batteries;
and

(C) to be included, as practicable, directly
on a consumer product containing button cell or
coin batteries in a manner that is visible to the
consumer upon installation or replacement of
the button cell or coin battery, or in the case
of a product for which the battery is not in-
tended to be replaced or installed by the con-
sumer, to be included directly on the consumer
product in a manner that is visible to the con-
sumer upon access to the battery compartment,
except that if it is impracticable to label the
product, this information shall be placed on the
packaging or instructions.

(b) REQUIREMENTS FOR WARNING LABELS.—Warn-
ing labels required under subsection (a)(2) shall—

(1) clearly identify the hazard of ingestion; and

(2) instruct consumers, as practicable, to keep
new and used batteries out of the reach of children,
to seek immediate medical attention if a battery is
ingested, and to follow any other consensus medical
advice.

(c) TREATMENT OF STANDARD FOR ENFORCEMENT
PURPOSES.—A consumer product safety standard promul-
gated under subsection (a) shall be treated as a consumer
product safety rule promulgated under section 9 of the

(d) EXCEPTION FOR RELIANCE ON VOLUNTARY
STANDARD.—

(1) BEFORE PROMULGATION OF STANDARD BY
COMMISSION.—Subsection (a) shall not apply if the
Commission determines, before the Commission pro-
mulgates a final consumer product safety standard
under such subsection, that—

(A) with respect to any consumer product
where there is a voluntary consumer product
safety standard that meets the requirements for
a standard promulgated under subsection (a)
with respect to such products; and

(B) the voluntary standard described in
subparagraph (A)—

(i) is in effect at the time of the de-
termination by the Commission; or

(ii) will be in effect not later than the
date that is 180 days after the date of the
enactment of this Act.

(2) DETERMINATION REQUIRED TO BE PUB-
LISHED IN FEDERAL REGISTER.—Any determination
made by the Commission under this subsection shall be published in the Federal Register.

(c) TREATMENT OF VOLUNTARY STANDARD FOR ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If the Commission makes a determination under subsection (d) with respect to a voluntary standard, the requirements of such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date described in paragraph (2).

(2) DATE DESCRIBED.—The date described in this paragraph is the later of—

(A) the date of the determination of the Commission under subsection (d) with respect to the voluntary standard described in paragraph (1); or

(B) the effective date contained in the voluntary standard described in paragraph (1).

(f) REVISION OF VOLUNTARY STANDARD.—

(1) NOTICE TO COMMISSION.—If a voluntary standard with respect to which the Commission has made a determination under subsection (d) is subsequently revised, the organization that revised the
standard shall notify the Commission after the final approval of the revision.

(2) Effective date of revision.—Beginning on the date that is 180 days after the Commission is notified of a revised voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), such revised voluntary standard in whole or in part shall be considered to be a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in place of the prior version, unless, within 90 days after receiving the notice, the Commission notifies the organization that the revised voluntary standard, in whole or in part, does not improve the safety of the consumer product covered by the standard and that the Commission is retaining all or part of the existing consumer product safety standard.

(g) Future rulemaking.—At any time after the promulgation of a final consumer product safety standard under subsection (a), a voluntary standard is treated as a consumer product safety rule under subsection (e), or a revised voluntary standard becomes enforceable as a consumer product safety rule under subsection (f), the Commission may initiate a rulemaking in accordance with
section 553 of title 5, United States Code, to modify the
requirements of the standard or revised standard. Any
rule promulgated under this subsection shall be treated
as a consumer product safety rule promulgated under sec-
2058).

SEC. 3. CHILD-RESISTANT PACKAGING FOR BUTTON CELL
OR COIN BATTERIES.

(a) Requirement.—Not later than 180 days after
the date of the enactment of this Act, any button cell or
coin battery sold, offered for sale, manufactured for sale,
distributed in commerce, or imported into the United
States, or included separately with a consumer product
sold, offered for sale, manufactured for sale, distributed
in commerce, or imported into the United States, shall be
packaged in accordance with the standards provided in
section 1700.15 of title 16, Code of Federal Regulations
(or any successor regulation), as determined through test-
ing in accordance with the method described in section
1700.20 of title 16, Code of Federal Regulations (or any
successor regulation), or another test method for button
cell or coin battery packaging specified, by rule, by the
Commission.

(b) Applicability.—The requirement of subsection
(a) shall be treated as a standard for the special packaging
of a household substance established under section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1472(a)).

SEC. 4. EXEMPTION FOR COMPLIANCE WITH EXISTING STANDARD.

The standards promulgated under this Act shall not apply with respect to any toy product that is in compliance with the battery accessibility and labeling requirements of part 1250 of title 16, Code of Federal Regulations, and, in reference to section 3(a) shall not apply with respect to button cell or coin batteries that are in compliance with the marking and packaging provisions of the ANSI Safety Standard for Portable Lithium Primary Cells and Batteries (ANSI C18.3M).

SEC. 5. DEFINITIONS.

In this Act:

(1) BUTTON CELL OR COIN BATTERY.—The term “button cell or coin battery” means—

(A) a single cell battery with a diameter greater than the height of the battery; or

(B) any other battery, regardless of the technology used to produce an electrical charge, that is determined by the Commission to pose an ingestion hazard.
(2) COMMISSION.—The term “Commission” means the Consumer Product Safety Commission.

(3) CONSUMER PRODUCT.—The term “consumer product” has the meaning given such term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(4) CONSUMER PRODUCT CONTAINING BUTTON CELL OR COIN BATTERIES.—The term “consumer product containing button cell or coin batteries” means a consumer product containing or designed to use one or more button cell or coin batteries, regardless of whether such batteries are intended to be replaced by the consumer or are included with the product or sold separately.

(5) TOY PRODUCT.—The term “toy product” means any object designed, manufactured, or marketed as a plaything for children under 14 years of age.

SEC. 6. EFFECTIVE DATE.

The standard promulgated under section 2(a) and the requirements of section 3(a) shall only apply to a product that is manufactured or imported after the effective date of such standard or requirement.