

Blumenthal-Blackburn Substitute (Modified)



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**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 fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as “Reese’s Law”.

1 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUT-**
2 **TON CELL OR COIN BATTERIES AND CON-**
3 **SUMER PRODUCTS CONTAINING SUCH BAT-**
4 **TERIES.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Commission shall,
7 in accordance with section 553 of title 5, United States
8 Code, promulgate a final consumer product safety stand-
9 ard for button cell or coin batteries and consumer prod-
10 ucts containing button cell or coin batteries that shall only
11 contain—

12 (1) a performance standard requiring the but-
13 ton cell or coin battery compartments of a consumer
14 product containing button cell or coin batteries to be
15 secured in a manner that would eliminate or ade-
16 quately reduce the risk of injury from button or coin
17 cell battery ingestion by children that are 6 years of
18 age or younger during reasonably foreseeable use or
19 misuse conditions; and

20 (2) warning label requirements—

21 (A) to be included on the packaging of but-
22 ton cell or coin batteries and the packaging of
23 a consumer product containing button cell or
24 coin batteries;

25 (B) to be included in any literature, such
26 as a user manual, that accompanies a consumer

1 product containing button cell or coin batteries;
2 and

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

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

18 (1) clearly identify the hazard of ingestion; and

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

24 (c) TREATMENT OF STANDARD FOR ENFORCEMENT
25 PURPOSES.—A consumer product safety standard promul-

1 gated under subsection (a) shall be treated as a consumer
2 product safety rule promulgated under section 9 of the
3 Consumer Product Safety Act (15 U.S.C. 2058).

4 (d) EXCEPTION FOR RELIANCE ON VOLUNTARY
5 STANDARD.—

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

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

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

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

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

23 (2) DETERMINATION REQUIRED TO BE PUB-
24 LISHED IN FEDERAL REGISTER.—Any determination

1 made by the Commission under this subsection shall
2 be published in the Federal Register.

3 (e) TREATMENT OF VOLUNTARY STANDARD FOR EN-
4 FORCEMENT PURPOSES.—

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

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

14 (A) the date of the determination of the
15 Commission under subsection (d) with respect
16 to the voluntary standard described in para-
17 graph (1); or

18 (B) the effective date contained in the vol-
19 untary standard described in paragraph (1).

20 (f) REVISION OF VOLUNTARY STANDARD.—

21 (1) NOTICE TO COMMISSION.—If a voluntary
22 standard with respect to which the Commission has
23 made a determination under subsection (d) is subse-
24 quently revised, the organization that revised the

1 standard shall notify the Commission after the final
2 approval of the revision.

3 (2) EFFECTIVE DATE OF REVISION.—Beginning
4 on the date that is 180 days after the Commission
5 is notified of a revised voluntary standard described
6 in paragraph (1) (or such later date as the Commis-
7 sion determines appropriate), such revised voluntary
8 standard in whole or in part shall be considered to
9 be a consumer product safety rule promulgated
10 under section 9 of the Consumer Product Safety Act
11 (15 U.S.C. 2058), in place of the prior version, un-
12 less, within 90 days after receiving the notice, the
13 Commission notifies the organization that the re-
14 vised voluntary standard, in whole or in part, does
15 not improve the safety of the consumer product cov-
16 ered by the standard and that the Commission is re-
17 taining all or part of the existing consumer product
18 safety standard.

19 (g) FUTURE RULEMAKING.—At any time after the
20 promulgation of a final consumer product safety standard
21 under subsection (a), a voluntary standard is treated as
22 a consumer product safety rule under subsection (e), or
23 a revised voluntary standard becomes enforceable as a
24 consumer product safety rule under subsection (f), the
25 Commission may initiate a rulemaking in accordance with

1 section 553 of title 5, United States Code, to modify the
2 requirements of the standard or revised standard. Any
3 rule promulgated under this subsection shall be treated
4 as a consumer product safety rule promulgated under sec-
5 tion 9 of the Consumer Product Safety Act (15 U.S.C.
6 2058).

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

9 (a) REQUIREMENT.—Not later than 180 days after
10 the date of the enactment of this Act, any button cell or
11 coin battery sold, offered for sale, manufactured for sale,
12 distributed in commerce, or imported into the United
13 States, or included separately with a consumer product
14 sold, offered for sale, manufactured for sale, distributed
15 in commerce, or imported into the United States, shall be
16 packaged in accordance with the standards provided in
17 section 1700.15 of title 16, Code of Federal Regulations
18 (or any successor regulation), as determined through test-
19 ing in accordance with the method described in section
20 1700.20 of title 16, Code of Federal Regulations (or any
21 successor regulation), or another test method for button
22 cell or coin battery packaging specified, by rule, by the
23 Commission.

24 (b) APPLICABILITY.—The requirement of subsection
25 (a) shall be treated as a standard for the special packaging

1 of a household substance established under section 3(a)
2 of the Poison Prevention Packaging Act of 1970 (15
3 U.S.C. 1472(a)).

4 **SEC. 4. EXEMPTION FOR COMPLIANCE WITH EXISTING**
5 **STANDARD.**

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

15 **SEC. 5. DEFINITIONS.**

16 In this Act:

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

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

21 (B) any other battery, regardless of the
22 technology used to produce an electrical charge,
23 that is determined by the Commission to pose
24 an ingestion hazard.

1 (2) COMMISSION.—The term “Commission”
2 means the Consumer Product Safety Commission.

3 (3) CONSUMER PRODUCT.—The term “con-
4 sumer product” has the meaning given such term in
5 section 3(a) of the Consumer Product Safety Act
6 (15 U.S.C. 2052(a)).

7 (4) CONSUMER PRODUCT CONTAINING BUTTON
8 CELL OR COIN BATTERIES.—The term “consumer
9 product containing button cell or coin batteries”
10 means a consumer product containing or designed to
11 use one or more button cell or coin batteries, regard-
12 less of whether such batteries are intended to be re-
13 placed by the consumer or are included with the
14 product or sold separately.

15 (5) TOY PRODUCT.—The term “toy product”
16 means any object designed, manufactured, or mar-
17 keted as a plaything for children under 14 years of
18 age.

19 **SEC. 6. EFFECTIVE DATE.**

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