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H. R. 5313

[Report No. 117-]

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2021

Ms. KELLY of Illinois (for herself, Mr. ARRINGTON, and Mr. LIEU) introduced the following bill; which was referred to the Committee on Energy and Commerce

JULY --, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 21, 2021]

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUT-**
6 **TON CELL OR COIN BATTERIES AND CON-**
7 **SUMER PRODUCTS CONTAINING SUCH BAT-**
8 **TERIES.**

9 *(a) IN GENERAL.—Not later than 1 year after the date*
10 *of the enactment of this Act, the Commission shall, in ac-*
11 *cordance with section 553 of title 5, United States Code,*
12 *promulgate a final consumer product safety standard for*
13 *button cell or coin batteries and consumer products con-*
14 *taining button cell or coin batteries that shall only con-*
15 *tain—*

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

24 *(2) warning label requirements—*

1 (A) to be included on the packaging of but-
2 ton cell or coin batteries and the packaging of a
3 consumer product containing button cell or coin
4 batteries;

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

9 (C) to be included, as practicable—

10 (i) directly on a consumer product con-
11 taining button cell or coin batteries in a
12 manner that is visible to the consumer upon
13 installation or replacement of the button cell
14 or coin battery; or

15 (ii) in the case of a product for which
16 the battery is not intended to be replaced or
17 installed by the consumer, to be included di-
18 rectly on the consumer product in a manner
19 that is visible to the consumer upon access
20 to the battery compartment, except that if it
21 is impracticable to label the product, this
22 information shall be placed on the pack-
23 aging or instructions.

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

1 (1) *clearly identify the hazard of ingestion; and*
2 (2) *instruct consumers, as practicable, to keep*
3 *new and used batteries out of the reach of children,*
4 *to seek immediate medical attention if a battery is in-*
5 *gested, and to follow any other consensus medical ad-*
6 *vice.*

7 (c) *TREATMENT OF STANDARD FOR ENFORCEMENT*
8 *PURPOSES.—A consumer product safety standard promul-*
9 *gated under subsection (a) shall be treated as a consumer*
10 *product safety rule promulgated under section 9 of the Con-*
11 *sumer Product Safety Act (15 U.S.C. 2058).*

12 (d) *EXCEPTION FOR RELIANCE ON VOLUNTARY STAND-*
13 *ARD.—*

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

19 (A) *with respect to any consumer product*
20 *for which there is a voluntary consumer product*
21 *safety standard that meets the requirements for*
22 *a standard promulgated under subsection (a)*
23 *with respect to such product; and*

24 (B) *the voluntary standard described in*
25 *subparagraph (A)—*

1 (i) is in effect at the time of the deter-
2 mination by the Commission; or

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

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

10 (e) *TREATMENT OF VOLUNTARY STANDARD FOR EN-*
11 *FORCEMENT PURPOSES.*—

12 (1) *IN GENERAL.*—If the Commission makes a
13 determination under subsection (d) with respect to a
14 voluntary standard, the requirements of such vol-
15 untary standard shall be treated as a consumer prod-
16 uct safety rule promulgated under section 9 of the
17 Consumer Product Safety Act (15 U.S.C. 2058) begin-
18 ning on the date described in paragraph (2).

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

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

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

3 (f) *REVISION OF VOLUNTARY STANDARD.*—

4 (1) *NOTICE TO COMMISSION.*—If a voluntary
5 standard with respect to which the Commission has
6 made a determination under subsection (d) is subse-
7 quently revised, the organization that revised the
8 standard shall notify the Commission after the final
9 approval of the revision.

10 (2) *EFFECTIVE DATE OF REVISION.*—Beginning
11 on the date that is 180 days after the Commission is
12 notified of a revised voluntary standard described in
13 paragraph (1) (or such later date as the Commission
14 determines appropriate), such revised voluntary
15 standard in whole or in part shall be considered to
16 be a consumer product safety rule promulgated under
17 section 9 of the Consumer Product Safety Act (15
18 U.S.C. 2058), in place of the prior version, unless,
19 within 90 days after receiving the notice, the Com-
20 mission notifies the organization that the revised vol-
21 untary standard, in whole or in part, does not im-
22 prove the safety of the consumer product covered by
23 the standard and that the Commission is retaining
24 all or part of the existing consumer product safety
25 standard.

1 (g) *FUTURE RULEMAKING.*—At any time after the pro-
2 mulgation of a final consumer product safety standard
3 under subsection (a), a voluntary standard is treated as a
4 consumer product safety rule under subsection (e), or a re-
5 vised voluntary standard becomes enforceable as a consumer
6 product safety rule under subsection (f), the Commission
7 may initiate a rulemaking in accordance with section 553
8 of title 5, United States Code, to modify the requirements
9 of the standard or revised standard. Any rule promulgated
10 under this subsection shall be treated as a consumer product
11 safety rule promulgated under section 9 of the Consumer
12 Product Safety Act (15 U.S.C. 2058).

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

15 (a) *REQUIREMENT.*—Not later than 180 days after the
16 date of the enactment of this Act, any button cell or coin
17 battery sold, offered for sale, manufactured for sale, distrib-
18 uted in commerce, or imported into the United States, or
19 included separately with a consumer product sold, offered
20 for sale, manufactured for sale, distributed in commerce, or
21 imported into the United States, shall be packaged in ac-
22 cordance with the standards provided in section 1700.15 of
23 title 16, Code of Federal Regulations (or any successor regu-
24 lation), as determined through testing in accordance with
25 the method described in section 1700.20 of title 16, Code

1 *of Federal Regulations (or any successor regulation), or an-*
2 *other test method for button cell or coin battery packaging*
3 *specified, by rule, by the Commission.*

4 (b) *APPLICABILITY.*—*The requirement of subsection (a)*
5 *shall be treated as a standard for the special packaging of*
6 *a household substance established under section 3(a) of the*
7 *Poison Prevention Packaging Act of 1970 (15 U.S.C.*
8 *1472(a)).*

9 **SEC. 4. EXEMPTION FOR COMPLIANCE WITH EXISTING**
10 **STANDARD.**

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

20 **SEC. 5. DEFINITIONS.**

21 *In this Act:*

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

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

1 (B) any other battery, regardless of the tech-
2 nology used to produce an electrical charge, that
3 is determined by the Commission to pose an in-
4 gestion hazard.

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

7 (3) CONSUMER PRODUCT.—The term “consumer
8 product” has the meaning given such term in section
9 3(a) of the Consumer Product Safety Act (15 U.S.C.
10 2052(a)).

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

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

23 **SEC. 6. EFFECTIVE DATE.**

24 The standard promulgated under section 2(a) and the
25 requirements of section 3(a) shall only apply to a product

- 1 *that is manufactured or imported after the effective date*
- 2 *of such standard or requirement.*