

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5313
OFFERED BY Ms. KELLY OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

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

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

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

14 (1) a performance standard requiring the but-
15 ton cell or coin battery compartments of a consumer
16 product containing button cell or coin batteries to be
17 secured in a manner that would eliminate or ade-
18 quately reduce the risk of injury from button or coin

1 cell battery ingestion by children that are 6 years of
2 age or younger during reasonably foreseeable use or
3 misuse conditions; and

4 (2) warning label requirements—

5 (A) to be included on the packaging of but-
6 ton cell or coin batteries and the packaging of
7 a consumer product containing button cell or
8 coin batteries;

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

13 (C) to be included, as practicable—

14 (i) directly on a consumer product
15 containing button cell or coin batteries in
16 a manner that is visible to the consumer
17 upon installation or replacement of the
18 button cell or coin battery; or

19 (ii) in the case of a product for which
20 the battery is not intended to be replaced
21 or installed by the consumer, to be in-
22 cluded directly on the consumer product in
23 a manner that is visible to the consumer
24 upon access to the battery compartment,
25 except that if it is impracticable to label

1 the product, this information shall be
2 placed on the packaging or instructions.

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

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

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

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

16 (d) EXCEPTION FOR RELIANCE ON VOLUNTARY
17 STANDARD.—

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

23 (A) with respect to any consumer product
24 for which there is a voluntary consumer product
25 safety standard that meets the requirements for

1 a standard promulgated under subsection (a)
2 with respect to such product; and

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

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

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

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

14 (e) TREATMENT OF VOLUNTARY STANDARD FOR EN-
15 FORCEMENT PURPOSES.—

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

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

1 (A) the date of the determination of the
2 Commission under subsection (d) with respect
3 to the voluntary standard described in para-
4 graph (1); or

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

7 (f) REVISION OF VOLUNTARY STANDARD.—

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

14 (2) EFFECTIVE DATE OF REVISION.—Beginning
15 on the date that is 180 days after the Commission
16 is notified of a revised voluntary standard described
17 in paragraph (1) (or such later date as the Commis-
18 sion determines appropriate), such revised voluntary
19 standard in whole or in part shall be considered to
20 be a consumer product safety rule promulgated
21 under section 9 of the Consumer Product Safety Act
22 (15 U.S.C. 2058), in place of the prior version, un-
23 less, within 90 days after receiving the notice, the
24 Commission notifies the organization that the re-
25 vised voluntary standard, in whole or in part, does

1 not improve the safety of the consumer product cov-
2 ered by the standard and that the Commission is re-
3 taining all or part of the existing consumer product
4 safety standard.

5 (g) FUTURE RULEMAKING.—At any time after the
6 promulgation of a final consumer product safety standard
7 under subsection (a), a voluntary standard is treated as
8 a consumer product safety rule under subsection (e), or
9 a revised voluntary standard becomes enforceable as a
10 consumer product safety rule under subsection (f), the
11 Commission may initiate a rulemaking in accordance with
12 section 553 of title 5, United States Code, to modify the
13 requirements of the standard or revised standard. Any
14 rule promulgated under this subsection shall be treated
15 as a consumer product safety rule promulgated under sec-
16 tion 9 of the Consumer Product Safety Act (15 U.S.C.
17 2058).

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

20 (a) REQUIREMENT.—Not later than 180 days after
21 the date of the enactment of this Act, any button cell or
22 coin battery sold, offered for sale, manufactured for sale,
23 distributed in commerce, or imported into the United
24 States, or included separately with a consumer product
25 sold, offered for sale, manufactured for sale, distributed

1 in commerce, or imported into the United States, shall be
2 packaged in accordance with the standards provided in
3 section 1700.15 of title 16, Code of Federal Regulations
4 (or any successor regulation), as determined through test-
5 ing in accordance with the method described in section
6 1700.20 of title 16, Code of Federal Regulations (or any
7 successor regulation), or another test method for button
8 cell or coin battery packaging specified, by rule, by the
9 Commission.

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

15 **SEC. 4. EXEMPTION FOR COMPLIANCE WITH EXISTING**
16 **STANDARD.**

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

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

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

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

7 (B) any other battery, regardless of the
8 technology used to produce an electrical charge,
9 that is determined by the Commission to pose
10 an ingestion hazard.

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

13 (3) **CONSUMER PRODUCT.**—The term “con-
14 sumer product” has the meaning given such term in
15 section 3(a) of the Consumer Product Safety Act
16 (15 U.S.C. 2052(a)).

17 (4) **CONSUMER PRODUCT CONTAINING BUTTON**
18 **CELL OR COIN BATTERIES.**—The term “consumer
19 product containing button cell or coin batteries”
20 means a consumer product containing or designed to
21 use one or more button cell or coin batteries, regard-
22 less of whether such batteries are intended to be re-
23 placed by the consumer or are included with the
24 product or sold separately.

25 (5) **TOY PRODUCT.**—The term “toy product”
26 means any object designed, manufactured, or mar-

1 keted as a plaything for children under 14 years of
2 age.

3 **SEC. 6. EFFECTIVE DATE.**

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

