

Calendar No. 643

117TH CONGRESS
2^D SESSION

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2021

Mr. BLUMENTHAL (for himself, Mrs. BLACKBURN, Mr. MARKEY, Mr. LUJÁN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 14, 2022

Reported by Ms. CANTWELL, with an amendment

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

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
 10 date of the enactment of this Act, the Commission shall,
 11 in accordance with section 553 of title 5, United States
 12 Code, promulgate a final consumer product safety stand-
 13 ard for button cell or coin batteries and consumer prod-
 14 ucts containing button cell or coin batteries that includes
 15 at least—

16 ~~(1)~~ a performance standard requiring the but-
 17 ton cell or coin battery compartments of a consumer
 18 product containing button cell or coin batteries to be
 19 secured in a manner that prevents access to button
 20 cell or coin batteries by children that are 6 years of
 21 age or younger during reasonably foreseeable use or
 22 misuse conditions; and

23 ~~(2)~~ warning label requirements—

24 ~~(A)~~ to be included on the packaging of but-
 25 ton cell or coin batteries and the packaging of

1 a consumer product containing button cell or
 2 coin batteries;

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

7 ~~(C)~~ to be included, as practicable, directly
 8 on a consumer product containing button cell or
 9 coin batteries in a manner that is visible to the
 10 consumer upon installation or replacement of
 11 the button cell or coin battery.

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

14 ~~(1) clearly identify the hazard of ingestion; and~~

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

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

1 (d) EXCEPTION FOR RELIANCE ON VOLUNTARY
2 STANDARD.—

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

8 (A) there is a voluntary consumer product
9 safety standard that meets the requirements for
10 a standard promulgated under subsection (a);
11 and

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

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

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

19 (2) AFTER PROMULGATION OF STANDARD BY
20 COMMISSION.—A final consumer product safety
21 standard promulgated under subsection (a) shall
22 cease to apply on the date described in subsection
23 (e)(2) if the Commission determines that—

24 (A) there is a voluntary consumer product
25 safety standard that meets the requirements for

1 a standard promulgated under subsection (a);
 2 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 determination by the Commission.

10 ~~(3) 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 ~~(c) 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—~~

(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 shall become enforceable as 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 determines that the revised voluntary standard does not

1 meet the requirements for a standard promulgated
 2 under subsection (a).

3 ~~(g) FUTURE RULEMAKING.~~—At any time after the
 4 promulgation of a final consumer product safety standard
 5 under subsection (a), a voluntary standard is treated as
 6 a consumer product safety rule under subsection (e), or
 7 a revised voluntary standard becomes enforceable as a
 8 consumer product safety rule under subsection (f), the
 9 Commission may initiate a rulemaking in accordance with
 10 section 553 of title 5, United States Code, to modify the
 11 requirements of the standard or revised standard or to in-
 12 clude in the standard or revised standard any additional
 13 provision that the Commission determines is necessary to
 14 protect children from ingesting button cell or coin bat-
 15 teries or that would lessen the severity of injury or risk
 16 of death in the event of ingestion. Any rule promulgated
 17 under this subsection shall be treated as a consumer prod-
 18 uct safety rule promulgated under section 9 of the Con-
 19 sumer Product Safety Act (15 U.S.C. 2058).

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

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

1 States, or included separately with a consumer product
 2 sold, offered for sale, manufactured for sale, distributed
 3 in commerce, or imported into the United States, shall be
 4 packaged in accordance with the standards provided in
 5 section 1700.15 of title 16, Code of Federal Regulations
 6 (or any successor regulation), as determined through test-
 7 ing in accordance with the method described in section
 8 1700.20 of title 16, Code of Federal Regulations (or any
 9 successor regulation).

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 ASTM International's Standard Consumer Safety
 20 Specification for Toy Safety (F963) on the date of enact-
 21 ment of this Act.

22 **SEC. 5. DEFINITIONS.**

23 In this Act:

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

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

3 (B) any other battery, regardless of the
4 technology used to produce an electrical charge,
5 that is determined by the Commission to pose
6 an ingestion hazard.

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

9 (3) CONSUMER PRODUCT.—The term “con-
10 sumer product” has the meaning given such term in
11 section 3(a) of the Consumer Product Safety Act
12 (15 U.S.C. 2052(a)).

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

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

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 date*
 8 *of the enactment of this Act, the Commission shall, in ac-*
 9 *cordance with section 553 of title 5, United States Code,*
 10 *promulgate a final consumer product safety standard for*
 11 *button cell or coin batteries and consumer products con-*
 12 *taining button cell or coin batteries that shall only con-*
 13 *tain—*

14 *(1) a performance standard requiring the button*
 15 *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*
 19 *cell battery ingestion by children that are 6 years of*
 20 *age or younger during reasonably foreseeable use or*
 21 *misuse conditions; and*

22 *(2) warning label requirements—*

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

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

5 (C) to be included, as practicable, directly
6 on a consumer product containing button cell or
7 coin batteries in a manner that is visible to the
8 consumer upon installation or replacement of the
9 button cell or coin battery, or in the case of a
10 product for which the battery is not intended to
11 be replaced or installed by the consumer, to be
12 included directly on the consumer product in a
13 manner that is visible to the consumer upon ac-
14 cess to the battery compartment, except that if it
15 is impracticable to label the product, this infor-
16 mation shall be placed on the packaging or in-
17 structions.

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

20 (1) clearly identify the hazard of ingestion; and
21 (2) instruct consumers, as practicable, to keep
22 new and used batteries out of the reach of children,
23 to seek immediate medical attention if a battery is in-
24 gested, and to follow any other consensus medical ad-
25 vice.

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

6 (d) *EXCEPTION FOR RELIANCE ON VOLUNTARY STAND-*
 7 *ARD.*—

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

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

18 (B) *the voluntary standard described in*
 19 *subparagraph (A)—*

20 (i) *is in effect at the time of the deter-*
 21 *mination by the Commission; or*

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

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

5 (e) *TREATMENT OF VOLUNTARY STANDARD FOR EN-*
 6 *FORCEMENT PURPOSES.*—

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

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

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

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

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

23 (1) *NOTICE TO COMMISSION.*—*If a voluntary*
 24 *standard with respect to which the Commission has*
 25 *made a determination under subsection (d) is subse-*

1 *quently revised, the organization that revised the*
2 *standard shall notify the Commission after the final*
3 *approval of the revision.*

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

20 (g) *FUTURE RULEMAKING.*—*At any time after the pro-*
21 *mulgation of a final consumer product safety standard*
22 *under subsection (a), a voluntary standard is treated as a*
23 *consumer product safety rule under subsection (e), or a re-*
24 *vised voluntary standard becomes enforceable as a consumer*
25 *product safety rule under subsection (f), the Commission*

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

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

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

23 (b) *APPLICABILITY.*—*The requirement of subsection (a)*
 24 *shall be treated as a standard for the special packaging of*
 25 *a household substance established under section 3(a) of the*

1 *Poison Prevention Packaging Act of 1970 (15 U.S.C.*
 2 *1472(a)).*

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

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

14 **SEC. 5. DEFINITIONS.**

15 *In this Act:*

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

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

20 (B) *any other battery, regardless of the tech-*
 21 *nology used to produce an electrical charge, that*
 22 *is determined by the Commission to pose an in-*
 23 *gestion hazard.*

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

1 (3) *CONSUMER PRODUCT.*—*The term “consumer*
 2 *product” has the meaning given such term in section*
 3 *3(a) of the Consumer Product Safety Act (15 U.S.C.*
 4 *2052(a)).*

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

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

17 **SEC. 6. EFFECTIVE DATE.**

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

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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.

DECEMBER 14, 2022

Reported with an amendment