

103D CONGRESS
1ST SESSION

S. 680

To provide for toy safety and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 31 (legislative day, MARCH 3), 1993

Mr. GORTON (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for toy safety 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 the “Child Safety Protection
5 Act”.

6 **SEC. 2. REQUIREMENTS FOR LABELING AND BANNING.**

7 (a) TOYS OR GAMES FOR CHILDREN WHO ARE AT
8 LEAST 3.—

9 (1) REQUIREMENT.—The packaging of any toy
10 or game intended for use by children who are at
11 least 3 years old but not older than 6 years or such

1 other upper age limit as the Commission may deter-
2 mine which may not be less than 5 years old, any
3 descriptive materials which accompany such toy or
4 game, and the bin, container for retail display, or
5 vending machine from which it is dispensed shall
6 bear or contain the cautionary label described in
7 paragraph (2) if the toy or game—

8 (A) is manufactured for sale, offered for
9 sale, or distributed in commerce in the United
10 States, and

11 (B) includes a small part, as defined by
12 the Commission.

13 In the case of such a toy or game dispensed from
14 a vending machine, the packaging of such toy or
15 game shall not be required to bear the cautionary
16 label described in paragraph (2).

17 (2) LABEL.—The cautionary label required
18 paragraph (1) for a toy or game shall be as follows:

19 (b) BALLOONS, SMALL BALLS, AND MARBLES AND
20 TOYS AND GAMES.—

1 (1) REQUIREMENT.—In the case of any balloon,
2 small ball intended for children 3 years of age or
3 older, marble intended for children 3 years of age or
4 older, or any toy or game which contains such a bal-
5 loon, small ball, or marble, which is manufactured
6 for sale, offered for sale, or distributed in commerce
7 in the United States—

8 (A) the packaging of such balloon, small
9 ball, or marble or toy or game,

10 (B) any descriptive materials which accom-
11 pany such balloon, small ball, or marble or toy
12 or game, and

13 (C) the bin or container for retail display
14 of a balloon, small ball, or marble or toy or
15 game or the vending machine from which the
16 balloon, small ball, or marble or toy or game is
17 dispensed,

18 shall contain the cautionary label described in para-
19 graph (2). In the case of such a balloon, small ball,
20 or marble or toy or game dispensed from a vending
21 machine, the packaging of such a balloon, small ball,
22 or marble or toy or game shall not be required to
23 bear the cautionary label described in paragraph (2).

1 (2) LABEL.—The cautionary label required
2 under paragraph (1) for a balloon, small ball, mar-
3 ble, or toy or game shall be as follows:

4 (A) BALLOONS.—

5 (B) SMALL BALLS.—

6 (C) MARBLES, TOYS, AND GAMES.—

7 (3) DEFINITION.—For purposes of this sub-
8 section, a small ball is a ball with a diameter of 1.75
9 inches or less.

1 (c) GENERAL LABELING REQUIREMENTS.—All label-
2 ing required under subsection (a) or (b) for a toy or game
3 or balloon, small ball, or marble shall—

4 (1) be prominently and conspicuously displayed
5 on the packaging of the toy or game or balloon,
6 small ball, or marble, on any descriptive materials
7 which accompany the toy or game or balloon, small
8 ball, or marble, and on the bin or container for retail
9 display of the toy or game or balloon, small ball, or
10 marble or the vending machine from which the toy
11 or game or balloon, small ball, or marble is dis-
12 pensed, and

13 (2) be visible and noticeable.

14 (d) ENFORCEMENT.—The requirements of sub-
15 sections (a), (b), and (c) shall be considered to be a regula-
16 tion issued by the Consumer Product Safety Commission
17 under section 3(b) of the Federal Hazardous Substances
18 Act (15 U.S.C. 1262(b)).

19 (e) OTHER SMALL BALLS.—A small ball—

20 (1) intended for children under the age of 3,
21 and

22 (2) with a diameter of 1.75 inches or less,
23 shall be considered a banned hazardous substance under
24 section 2(q) of the Federal Hazardous Substances Act.

1 **SEC. 3. REGULATIONS AND EFFECTIVE DATE.**

2 (a) REGULATIONS.—The Consumer Product Safety
3 Commission shall promulgate regulations, under section
4 553 of title 5, United States Code, for the implementation
5 of section 2 by January 1, 1994. Subsections (f) through
6 (i) of section 3 of the Federal Hazardous Substances Act
7 (15 U.S.C 1262) shall not apply with respect to the issu-
8 ance of regulations under this subsection.

9 (b) EFFECTIVE DATE.—Section 2 shall take effect
10 February 1, 1994, with respect to products entered into
11 commerce on or after that date.

12 **SEC. 4. BICYCLE HELMETS.**

13 (a) INITIAL STANDARD.—Within 9 months of the
14 date of the enactment of this Act, all bicycle helmets man-
15 ufactured after the expiration of such 9 months shall con-
16 form to—

17 (1) the ANSI standard designated Z90.4–1984,

18 (2) the 1990 Snell Memorial Foundation Stand-
19 ard for Protective Headgear for Use in Bicycling,
20 B–90, or

21 (3) such other standard as the Commission de-
22 termines is appropriate,

23 until a standard under subsection (b) takes effect. A hel-
24 met which does not conform to a standard identified in
25 paragraph (1), (2), or (3) shall, until the standard takes
26 effect under subsection (b), be considered in violation of

1 a consumer product safety standard issued under the
2 Consumer Product Safety Act.

3 (b) PROCEEDING.—Within 60 days of the date of the
4 enactment of this Act, the Consumer Product Safety Com-
5 mission shall begin a proceeding under section 553 of title
6 5, United States Code, to—

7 (1) harmonize the requirements of the ANSI
8 standard, the Snell standard, and other appropriate
9 standards into a standard of the Commission,

10 (2) include in the standard of the Commission
11 provisions to protect against helmets rolling off the
12 heads of riders,

13 (3) include in the standard of the Commission
14 standards which address risk of injury to children,
15 and

16 (4) include additional provisions as appropriate.

17 The standard developed under paragraphs (1) through (4)
18 shall be considered a consumer product safety standard
19 issued under the Consumer Product Safety Act and shall
20 take effect 1 year after the date it is issued. Sections 7,
21 9, and 30(d) of the Consumer Product Safety Act (15
22 U.S.C. 2056, 2058, 2079(d)) shall not apply to any pro-
23 ceeding under this subsection and section 11 of such Act
24 (15 U.S.C. 2060) shall not apply with respect to any
25 standard issued as a result of such proceeding.

