

107TH CONGRESS
2^D SESSION

S. 2188

To require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2002

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

A BILL

To require the Consumer Product Safety Commission to amend its flammability standards for children's sleepwear under the Flammable Fabrics Act.

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 "Children's Safe
5 Sleepwear and Burn Prevention Act of 2002".

6 **SEC. 2. AMENDMENTS TO CHILDREN'S SLEEPWEAR FLAM-**
7 **MABILITY REGULATIONS.**

8 (a) IN GENERAL.—The Consumer Product Safety
9 Commission (in this Act referred to as the "Commission")

1 shall, with respect to the Commission’s flammability
2 standards for children’s sleepwear sizes 0 through 14, pro-
3 mulgated pursuant to the Flammable Fabrics Act (15
4 U.S.C. 1191 et seq.; parts 1615 and 1616 of title 16, Code
5 of Federal Regulations)—

6 (1) not enforce or enact a standard with respect
7 to children’s sleepwear that—

8 (A) exempts—

9 (i) diapers and underwear (including
10 disposable diapers and underwear);

11 (ii) infant garments sizes 0 through
12 6X, infant garments sizes 9 months or
13 smaller, or other garments described in
14 part 1615.1(e) of title 16, Code of Federal
15 Regulations; or

16 (iii) tight-fitting garments; or

17 (B) includes as a part of any definition of
18 children’s sleepwear (or of any item of such
19 sleepwear) a standard based on the intent of
20 the manufacturer or retailer; and

21 (2) provide a functional definition of children’s
22 sleepwear for ages 0 through 7 years (encompassing,
23 at a minimum, infant and children’s garment sizes
24 2 through 6X, as such sizes are defined by the De-
25 partment of Commerce Voluntary Product Standard

1 (previously identified as Commercial Standard
2 CS151–50 “Body Measurements for the Sizing of
3 Apparel for Infants, Babies, Toddlers, and Chil-
4 dren’’), including children’s clothing used with some
5 regularity as sleepwear, such as—

6 (A) “togs”;

7 (B) “onesies”;

8 (C) body suits with snaps at the bottom
9 for easy access to a diaper;

10 (D) all-in-one “bunny” suits with enclosed
11 feet; and

12 (E) any garments sized for children ages 0
13 through 7 years with cartoon characters or
14 symbols that the Commission finds are particu-
15 larly attractive to young children.

16 (b) RULEMAKING.—Notwithstanding any other provi-
17 sion of law, not later than 180 days after the date of en-
18 actment of this Act, the Commission shall promulgate reg-
19 ulations with respect to the flammability of children’s
20 sleepwear consistent with the provisions of this Act.

21 (c) EFFECTIVE DATE.—Sleepwear manufactured or
22 imported on or before the effective date of the regulations
23 promulgated by the Commission under subsection (b) shall
24 not be treated as being in violation of the Flammable Fab-
25 rics Act or such regulations if the sleepwear complied with

- 1 the rules of the Commission in effect at the time the
- 2 sleepwear was manufactured or imported.

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