

110TH CONGRESS  
1ST SESSION

# H. R. 3903

To amend the Consumer Product Safety Act to require the development of a multi-stage product testing process to ensure compliance of children's products with consumer product safety standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2007

Mr. MATHESON (for himself, Mr. HILL, Mr. GORDON of Tennessee, and Ms. BEAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Consumer Product Safety Act to require the development of a multi-stage product testing process to ensure compliance of children's products with consumer product safety standards, 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 "Kids' Toys Safety  
5 Act".

1 **SEC. 2. MANDATORY TESTING FOR CERTAIN CHILDREN'S**  
2 **PRODUCTS.**

3 (a) MANDATORY AND THIRD-PARTY TESTING.—Sec-  
4 tion 14 of the Consumer Product Safety Act (15 U.S.C.  
5 2063(b)) is amended—

6 (1) in subsection (b)—

7 (A) by striking “The Commission” and in-  
8 serting “(1) The Commission”;

9 (B) by adding at the end the following:

10 “(2) In the case of a children’s product subject  
11 to a consumer product safety standard under this  
12 Act, the Commission shall prescribe a comprehensive  
13 testing program for such products that—

14 “(A) is designed to insure that all chil-  
15 dren’s products conform to all applicable con-  
16 sumer product safety standards;

17 “(B) includes testing for multiple stages of  
18 production, including development, pre-produc-  
19 tion, production, assembly, and packaging; and

20 “(C) shall be conducted by a nongovern-  
21 mental independent third party qualified to per-  
22 form such tests or testing programs.”; and

23 (2) by adding at the end the following:

24 “(d) DEFINITIONS.—The term ‘children’s product’  
25 means a toy or other article intended for use by a child  
26 under 60 months of age that is introduced into the inter-

1 state stream of commerce. In determining whether a toy  
2 or article is intended for use by a child under 60 months  
3 of age, the following factors shall be considered:

4           “(1) A statement by a manufacturer about the  
5 intended use of such toy or article, including a label  
6 on such toy or article, if such statement is reason-  
7 able.

8           “(2) The context and manner of the adver-  
9 tising, promotion, and marketing associated with the  
10 toy or article.

11           “(3) Whether the toy or article is commonly  
12 recognized by consumers as being intended for use  
13 by a child under 60 months of age.

14           “(4) The Age Determination Guideline issued  
15 by the Consumer Product Safety Commission in  
16 September 2002 and any subsequent version of such  
17 Guideline.”.

18 **SEC. 3. CPSC NOTIFICATION OF VOLUNTARY MANUFAC-**  
19 **TURER RECALLS.**

20 Section 15 of the Consumer Product Safety Act is  
21 amended by adding at the end the following:

22           “(i) NOTIFICATION OF RECALLED PRODUCTS.—Not  
23 later than 48 hours after the Commission is formally noti-  
24 fied of any voluntary recall of any consumer product self-  
25 initiated by a manufacturer (or a retailer in the case of

1 a retailer selling a product under its own label), or issues  
2 an order under subsection (c) or (d) with respect to any  
3 product, the Commission shall—

4 “(1) post a notice of such recall or order on the  
5 Internet website maintained by the Commission  
6 which shall include the name and description of the  
7 product and the reason for the recall; and

8 “(2) notify the State Health Department of  
9 each State of the recall or order.”.

10 **SEC. 4. TRACKING LABEL’S FOR CHILDREN’S PRODUCTS.**

11 Section 14(a) of the Consumer Product Safety Act  
12 (15 U.S.C. 2063(a)) is further amended by adding at the  
13 end the following:

14 “(6) The manufacturer of a children’s product  
15 shall place distinguishing marks on the product or  
16 its packaging that will enable the ultimate purchaser  
17 to ascertain the source, date, and other production  
18 information of the product by reference to those  
19 marks.”.

20 **SEC. 5. DATABASE OF CERTAIN PRODUCTION FACILITIES.**

21 Not later than 3 months after the date of enactment  
22 of this Act, the Consumer Product Safety Commission  
23 shall establish a database to serve as a clearinghouse for  
24 the submission and exchange of information regarding fac-  
25 tories, warehouses, or other facilities where consumer

1 products which have been subject to a recall were manu-  
2 factured. The database shall include the names and loca-  
3 tions of such facilities, a description of the types of prod-  
4 ucts known to have been produced in such facilities, and  
5 the reasons such products were recalled. The database  
6 shall not contain proprietary information or information  
7 regarding confidential business relationships.

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