

110TH CONGRESS  
1ST SESSION

# S. 2037

To amend the Consumer Product Safety Act to make it unlawful to sell a recalled product, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2007

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

---

## A BILL

To amend the Consumer Product Safety Act to make it unlawful to sell a recalled product, 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. PROHIBITION ON SALE OF RECALLED PROD-**

4 **UCTS.**

5 Section 19(a) of the Consumer Product Safety Act  
6 (15 U.S.C. 2068(a)) is amended—

7 (1) by redesignating paragraphs (3) through

8 (11) as paragraphs (4) through (12), respectively;

9 and

1           (2) by inserting after paragraph (2) the fol-  
2           lowing:

3           “(3) to sell a product that is—

4                   “(A) not in conformity with an applicable  
5           consumer product safety standard under this  
6           Act;

7                   “(B) subject to voluntary corrective action  
8           taken by the manufacturer, in consultation with  
9           the Commission, and determined by the Com-  
10          mission to be unsafe; or

11                   “(C) subject to an order issued under sec-  
12          tion 12 or 15 of this Act, or designated a  
13          banned hazardous substance under the Federal  
14          Hazardous Substances Act (15 U.S.C. 1261 et  
15          seq.);”.

16 **SEC. 2. ENHANCED IDENTIFICATION MARKING OF CON-**  
17 **SUMER PRODUCTS.**

18          Section 14(a) of the Consumer Product Safety Act  
19 (15 U.S.C. 2063(a)) is amended by adding at the end  
20 thereof the following:

21          “(3) The manufacturer of a consumer product, with-  
22 out regard to whether it is subject to a consumer product  
23 safety standard, shall place distinguishing marks on the  
24 product to the greatest extent feasible, and on its pack-  
25 aging, that will enable the ultimate purchaser to determine

- 1 the source, date, and cohort (including the batch, run
- 2 number, or other identifying characteristic) of production
- 3 of the product by reference to those marks.”.

