

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6544

To amend title 18, United States Code, to provide for the protection of the general public, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2010

Mr. CONYERS introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide for the protection of the general public, 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 “Dangerous Products  
5       Warning Act”.

6       **SEC. 2. DANGEROUS PRODUCTS.**

7       (a) IN GENERAL.—Part 1 of title 18, United States  
8       Code, is amended by inserting after chapter 27 the fol-  
9       lowing:

## 1    **“CHAPTER 28—DANGEROUS PRODUCTS**

“Sec.

“571. Violations.

“572. Relationship to existing law.

“573. Construction.

“574. Definitions for chapter.

### 2    **“§ 571. Violations**

3           “(a) FAILURE TO INFORM AND WARN.—Whoever—

4                   “(1) is a business entity or a product supervisor  
5           with respect to a product or business practice;

6                   “(2) knows of a serious danger associated with  
7           such product (or a component of that product) or  
8           business practice; and

9                   “(3) knowingly fails within 15 days after such  
10          discovery is made (or if there is imminent risk of se-  
11          rious bodily injury or death, immediately) to do any  
12          of the following:

13                   “(A) To inform an appropriate Federal  
14                  agency in writing, unless such product super-  
15                  visor has actual knowledge that such an agency  
16                  has been so informed.

17                   “(B) To warn affected employees in writ-  
18                  ing, unless such product supervisor has actual  
19                  knowledge that such employees have been so  
20                  warned.

21                   “(C) To inform persons other than af-  
22                  fected employees at risk if they can reasonably  
23                  be identified.

1 shall be fined under this title or imprisoned not more than  
2 5 years, or both.

3 “(b) RETALIATION.—Whoever knowingly discrimi-  
4 nates against any person in the terms or conditions of em-  
5 ployment or in retention in employment or in hiring be-  
6 cause of such person’s having informed a Federal agency  
7 or warned employees of a serious danger associated with  
8 a product or business practice shall be fined under this  
9 title or imprisoned not more than one year, or both.

10 “(c) NONPAYMENT BY BUSINESS ENTITIES.—If a  
11 fine is imposed on an individual under this section, such  
12 fine shall not be paid, directly or indirectly, out of the as-  
13 sets of any business entity on behalf of that individual.

14 **“§ 572. Relationship to existing law**

15 “(a) RIGHTS TO INTERVENE.—Nothing in this chap-  
16 ter shall be construed to limit the right of any individual  
17 or group of individuals to initiate, intervene in, or other-  
18 wise participate in any proceeding before a regulatory  
19 agency or court, nor to relieve any regulatory agency,  
20 court, or other public body of any obligation, or affect its  
21 discretion to permit intervention or participation by an in-  
22 dividual or group or class of consumers, employees or citi-  
23 zens in any proceeding or activity.

1       “(b) STATE LAW.—Nothing in this chapter preempts  
2 any State law or otherwise affects any State authority to  
3 adopt or enforce any State law.

4 **“§ 573. Construction**

5       “‘This chapter shall be construed in such a manner  
6 as best to represent and protect the interests of the public.

7 **“§ 574. Definitions for chapter**

8       “‘In this chapter—

9               “(1) the term ‘product supervisor’—

10                       “(A) means—

11                               “(i) an officer or director of a cor-  
12 poration or an association;

13                               “(ii) a partner of a partnership; or

14                               “(iii) any employee or other agent of  
15 a corporation, association, or partnership  
16 having duties such that the conduct of  
17 such employee or agent may fairly be as-  
18 sumed to represent the policy of the cor-  
19 poration, association, or partnership; and

20                       “(B) includes persons having management  
21 responsibility for—

22                               “(i) submissions to a Federal agency  
23 regarding the development or approval of  
24 any product;

1                   “(ii) production, quality assurance, or  
2                   quality control of any product; or

3                   “(iii) research and development of any  
4                   product;

5                   “(2) the term ‘product’ means a product or  
6                   service of a business entity that enters or will enter  
7                   interstate commerce;

8                   “(3) the term ‘business entity’ means any cor-  
9                   poration, company, association, firm, partnership, or  
10                  other business entity or a sole proprietor.

11                  “(4) the term ‘business practice’ means a meth-  
12                  od or practice of manufacturing, assembling, design-  
13                  ing, researching, importing or distributing a product  
14                  that enters or will enter interstate commerce, con-  
15                  ducting, providing or preparing to provide a service  
16                  that enters or will enter interstate commerce, or oth-  
17                  erwise carrying out business operations related to  
18                  products or services that enter or will enter inter-  
19                  state commerce;

20                  “(5) the term ‘serious danger’, used with re-  
21                  spect to a product or business practice, means a  
22                  danger, not readily apparent to the average person,  
23                  that the normal or reasonably foreseeable use of, or  
24                  the exposure of a human being to, that product or

1 business practice may cause death or serious bodily  
2 injury to a human being;

3 “(6) the term ‘serious bodily injury’ means an  
4 impairment of physical condition, including as result  
5 of trauma, repetitive motion or disease, that—

6 “(A) creates a substantial risk of death; or

7 “(B) causes—

8 “(i) serious permanent disfigurement;

9 “(ii) unconsciousness;

10 “(iii) extreme pain; or

11 “(iv) permanent or protracted loss or  
12 impairment of the function of any bodily  
13 member, organ, bodily system, or mental  
14 faculty;

15 “(7) the term ‘appropriate Federal agency’  
16 means any agency with jurisdiction over the product  
17 or business practice; and

18 “(8) the term ‘warn affected employees’, used  
19 with respect to a serious danger, means take reason-  
20 able steps to give sufficient description of the serious  
21 danger to all individuals working for or in the busi-  
22 ness entity who are likely to be subject to the serious  
23 danger in the course of that work to make those in-  
24 dividuals aware of that danger.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters  
2 for title 18, United States Code, is amended by inserting,  
3 after the item relating to chapter 27 the following:

“28. **Dangerous products** ..... **571**”.

4 **SEC. 3. EFFECTIVE DATE.**

5 The amendments made by this Act take effect 180  
6 days after the date of enactment of this Act.

