

117TH CONGRESS
1ST SESSION

S. 3278

To protect children and other consumers against hazards associated with the accidental ingestion of button cell or coin batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-resistant closures on consumer products that use such batteries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2021

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

A BILL

To protect children and other consumers against hazards associated with the accidental ingestion of button cell or coin batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-resistant closures on consumer products that use such batteries, 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 “Reese’s Law”.

1 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUT-**
2 **TON CELL OR COIN BATTERIES AND CON-**
3 **SUMER PRODUCTS CONTAINING SUCH BAT-**
4 **TERIES.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Commission shall,
7 in accordance with section 553 of title 5, United States
8 Code, promulgate a final consumer product safety stand-
9 ard for button cell or coin batteries and consumer prod-
10 ucts containing button cell or coin batteries that includes
11 at least—

12 (1) a performance standard requiring the but-
13 ton cell or coin battery compartments of a consumer
14 product containing button cell or coin batteries to be
15 secured in a manner that prevents access to button
16 cell or coin batteries by children that are 6 years of
17 age or younger during reasonably foreseeable use or
18 misuse conditions; and

19 (2) warning label requirements—

20 (A) to be included on the packaging of but-
21 ton cell or coin batteries and the packaging of
22 a consumer product containing button cell or
23 coin batteries;

24 (B) to be included in any literature, such
25 as a user manual, that accompanies a consumer

1 product containing button cell or coin batteries;
2 and

3 (C) to be included, as practicable, directly
4 on a consumer product containing button cell or
5 coin batteries in a manner that is visible to the
6 consumer upon installation or replacement of
7 the button cell or coin battery.

8 (b) REQUIREMENTS FOR WARNING LABELS.—Warn-
9 ing labels required under subsection (a)(2) shall—

10 (1) clearly identify the hazard of ingestion; and

11 (2) instruct consumers, as practicable, to keep
12 new and used batteries out of the reach of children,
13 to seek immediate medical attention if a battery is
14 ingested, and to follow any other consensus medical
15 advice.

16 (c) TREATMENT OF STANDARD FOR ENFORCEMENT
17 PURPOSES.—A consumer product safety standard promul-
18 gated under subsection (a) shall be treated as a consumer
19 product safety rule promulgated under section 9 of the
20 Consumer Product Safety Act (15 U.S.C. 2058).

21 (d) EXCEPTION FOR RELIANCE ON VOLUNTARY
22 STANDARD.—

23 (1) BEFORE PROMULGATION OF STANDARD BY
24 COMMISSION.—Subsection (a) shall not apply if the
25 Commission determines, before the Commission pro-

1 mulgates a final consumer product safety standard
2 under such subsection, that—

3 (A) there is a voluntary consumer product
4 safety standard that meets the requirements for
5 a standard promulgated under subsection (a);
6 and

7 (B) the voluntary standard described in
8 subparagraph (A)—

9 (i) is in effect at the time of the de-
10 termination by the Commission; or

11 (ii) will be in effect not later than the
12 date that is 180 days after the date of the
13 enactment of this Act.

14 (2) AFTER PROMULGATION OF STANDARD BY
15 COMMISSION.—A final consumer product safety
16 standard promulgated under subsection (a) shall
17 cease to apply on the date described in subsection
18 (e)(2) if the Commission determines that—

19 (A) there is a voluntary consumer product
20 safety standard that meets the requirements for
21 a standard promulgated under subsection (a);
22 and

23 (B) the voluntary standard described in
24 subparagraph (A)—

1 (i) is in effect at the time of the de-
 2 termination by the Commission; or

3 (ii) will be in effect not later than the
 4 date that is 180 days after the date of the
 5 determination by the Commission.

6 (3) DETERMINATION REQUIRED TO BE PUB-
 7 LISHED IN FEDERAL REGISTER.—Any determination
 8 made by the Commission under this subsection shall
 9 be published in the Federal Register.

10 (e) TREATMENT OF VOLUNTARY STANDARD FOR EN-
 11 FORCEMENT PURPOSES.—

12 (1) IN GENERAL.—If the Commission makes a
 13 determination under subsection (d) with respect to a
 14 voluntary standard, the requirements of such vol-
 15 untary standard shall be treated as a consumer
 16 product safety rule promulgated under section 9 of
 17 the Consumer Product Safety Act (15 U.S.C. 2058)
 18 beginning on the date described in paragraph (2).

19 (2) DATE DESCRIBED.—The date described in
 20 this paragraph is the later of—

21 (A) the date of the determination of the
 22 Commission under subsection (d) with respect
 23 to the voluntary standard described in para-
 24 graph (1); or

1 (B) the effective date contained in the vol-
2 untary standard described in paragraph (1).

3 (f) REVISION OF VOLUNTARY STANDARD.—

4 (1) NOTICE TO COMMISSION.—If a voluntary
5 standard with respect to which the Commission has
6 made a determination under subsection (d) is subse-
7 quently revised, the organization that revised the
8 standard shall notify the Commission after the final
9 approval of the revision.

10 (2) EFFECTIVE DATE OF REVISION.—Beginning
11 on the date that is 180 days after the Commission
12 is notified of a revised voluntary standard described
13 in paragraph (1) (or such later date as the Commis-
14 sion determines appropriate), such revised voluntary
15 standard shall become enforceable as a consumer
16 product safety rule promulgated under section 9 of
17 the Consumer Product Safety Act (15 U.S.C. 2058),
18 in place of the prior version, unless, within 90 days
19 after receiving the notice, the Commission deter-
20 mines that the revised voluntary standard does not
21 meet the requirements for a standard promulgated
22 under subsection (a).

23 (g) FUTURE RULEMAKING.—At any time after the
24 promulgation of a final consumer product safety standard
25 under subsection (a), a voluntary standard is treated as

1 a consumer product safety rule under subsection (e), or
 2 a revised voluntary standard becomes enforceable as a
 3 consumer product safety rule under subsection (f), the
 4 Commission may initiate a rulemaking in accordance with
 5 section 553 of title 5, United States Code, to modify the
 6 requirements of the standard or revised standard or to in-
 7 clude in the standard or revised standard any additional
 8 provision that the Commission determines is necessary to
 9 protect children from ingesting button cell or coin bat-
 10 teries or that would lessen the severity of injury or risk
 11 of death in the event of ingestion. Any rule promulgated
 12 under this subsection shall be treated as a consumer prod-
 13 uct safety rule promulgated under section 9 of the Con-
 14 sumer Product Safety Act (15 U.S.C. 2058).

15 **SEC. 3. CHILD-RESISTANT PACKAGING FOR BUTTON CELL**
 16 **OR COIN BATTERIES.**

17 (a) REQUIREMENT.—Not later than 180 days after
 18 the date of the enactment of this Act, any button cell or
 19 coin battery sold, offered for sale, manufactured for sale,
 20 distributed in commerce, or imported into the United
 21 States, or included separately with a consumer product
 22 sold, offered for sale, manufactured for sale, distributed
 23 in commerce, or imported into the United States, shall be
 24 packaged in accordance with the standards provided in
 25 section 1700.15 of title 16, Code of Federal Regulations

1 (or any successor regulation), as determined through test-
 2 ing in accordance with the method described in section
 3 1700.20 of title 16, Code of Federal Regulations (or any
 4 successor regulation).

5 (b) APPLICABILITY.—The requirement of subsection
 6 (a) shall be treated as a standard for the special packaging
 7 of a household substance established under section 3(a)
 8 of the Poison Prevention Packaging Act of 1970 (15
 9 U.S.C. 1472(a)).

10 **SEC. 4. EXEMPTION FOR COMPLIANCE WITH EXISTING**
 11 **STANDARD.**

12 The standards promulgated under this Act shall not
 13 apply with respect to any toy product that is in compliance
 14 with ASTM International’s Standard Consumer Safety
 15 Specification for Toy Safety (F963) on the date of enact-
 16 ment of this Act.

17 **SEC. 5. DEFINITIONS.**

18 In this Act:

19 (1) **BUTTON CELL OR COIN BATTERY.**—The
 20 term “button cell or coin battery” means—

21 (A) a single cell battery with a diameter
 22 greater than the height of the battery; or

23 (B) any other battery, regardless of the
 24 technology used to produce an electrical charge,

1 that is determined by the Commission to pose
2 an ingestion hazard.

3 (2) COMMISSION.—The term “Commission”
4 means the Consumer Product Safety Commission.

5 (3) CONSUMER PRODUCT.—The term “con-
6 sumer product” has the meaning given such term in
7 section 3(a) of the Consumer Product Safety Act
8 (15 U.S.C. 2052(a)).

9 (4) CONSUMER PRODUCT CONTAINING BUTTON
10 CELL OR COIN BATTERIES.—The term “consumer
11 product containing button cell or coin batteries”
12 means a consumer product containing or designed to
13 use one or more button cell or coin batteries, regard-
14 less of whether such batteries are intended to be re-
15 placed by the consumer or are included with the
16 product or sold separately.

17 (5) TOY PRODUCT.—The term “toy product”
18 means any object designed, manufactured, or mar-
19 ketted as a plaything for children under 14 years of
20 age.

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