To provide for toy safety and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Mrs. Collins of Illinois introduced the following bill; which was referred to
the Committee on Energy and Commerce

A BILL

To provide for toy safety and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Safety Protection
Act”.

SEC. 2. REQUIREMENTS FOR LABELING AND BANNING.

(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT LEAST 3.—

(1) REQUIREMENT.—The packaging of any toy
or game intended for use by children who are at
least 3 years old but not older than 6 years or such
other upper age limit as the Commission may deter-
mine which may not be less than 5 years old, any
descriptive materials which accompany such toy or
game, and the bin, container for retail display, or
vending machine from which it is dispensed shall
bear or contain the cautionary label described in
paragraph (2) if the toy or game—

(A) is manufactured for sale, offered for
sale, or distributed in commerce in the United
States, and

(B) includes a small part, as defined by
the Commission.

In the case of such a toy or game dispensed from
a vending machine, the packaging of such toy or
game shall not be required to bear the cautionary
label described in paragraph (2).

(2) Label.—The cautionary label required
under paragraph (1) for a toy or game shall be as
follows:

(b) Balloons, Small Balls, and Marbles and
Toys and Games.—
(1) **Requirement.**—In the case of any balloon or small ball intended for children 3 years of age or older, marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, small ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

(A) the packaging of such balloon, small ball, or marble or toy or game,

(B) any descriptive materials which accompany such balloon, small ball, or marble or toy or game, and

(C) the bin or container for retail display of a balloon, small ball, or marble or toy or game or the vending machine from which the balloon, small ball, or marble or toy or game is dispensed,

shall contain the cautionary label described in paragraph (2). In the case of such a balloon, small ball, or marble or toy or game dispensed from a vending machine, the packaging of such a balloon, small ball, or marble or toy or game shall not be required to bear the cautionary label described in paragraph (2).
(2) Label.—The cautionary label required under paragraph (1) for a balloon, small ball, marble, or toy or game shall be as follows:

(A) Balloons.—

(B) Small balls.—

(C) Marbles, toys, and games.—

(3) Definition.—For purposes of this subsection, a small ball is a ball with a diameter of 1.75 inches or less.
(c) **GENERAL LABELING REQUIREMENTS.**— All labeling required under subsection (a) or (b) for a toy or game or balloon, small ball, or marble shall—

1. (1) be prominently and conspicuously displayed on the packaging of the toy or game or balloon, small ball, or marble, on any descriptive materials which accompany the toy or game or balloon, small ball, or marble, and on the bin or container for retail display of the toy or game or balloon, small ball, or marble or the vending machine from which the toy or game or balloon, small ball, or marble is dispensed, and

2. (2) be visible and noticeable.

(d) **ENFORCEMENT.**— The requirements of subsections (a), (b), and (c) shall be considered to be a regulation issued by the Consumer Product Safety Commission under section 3(b) of the Federal Hazardous Substances Act (15 U.S.C. 1262(b)).

(e) **OTHER SMALL BALLS.**— A small ball—

1. (1) intended for children under the age of 3, and

2. (2) with a diameter of 1.75 inches or less, shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act.
SEC. 3. REGULATIONS AND EFFECTIVE DATE.

(a) Regulations.—The Consumer Product Safety Commission shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of section 2 by January 1, 1994. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C 1262) shall not apply with respect to the issuance of regulations under this subsection.

(b) Effective Date.—Section 2 shall take effect February 1, 1994.

SEC. 4. BICYCLE HELMETS.

(a) Initial Standard.—Within 9 months of the date of the enactment of this Act, all bicycle helmets manufactured after the expiration of such 9 months shall conform to—

(1) the ANSI standard designated Z90.4-1984,

(2) the 1990 Snell Memorial Foundation Standard for Protective Headgear for Use in Bicycling, B-90, or

(3) such other standard as the Commission determines is appropriate,

until a standard under subsection (b) takes effect. A helmet which does not conform to a standard identified in paragraph (1), (2), or (3) shall, until the standard takes effect under subsection (b), be considered in violation of

(b) PROCEEDING.—Within 60 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) harmonize the requirements of the ANSI standard, the Snell standard, and other appropriate standards into a standard of the Commission,

(2) include in the standard of the Commission provisions to protect against helmets rolling off the heads of riders,

(3) include in the standard of the Commission standards which address risk of injury to children, and

(4) include additional provisions as appropriate.

The standard developed under paragraphs (1) through (4) shall be considered a consumer product safety standard issued under the Consumer Product Safety Act and shall take effect 1 year after the date it is issued. Sections 7 and 9 of the Consumer Product Safety Act (15 U.S.C. 2056, 2058) shall not apply to any proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued as a result of such proceeding.