

117TH CONGRESS
2D SESSION

H. R. 5313

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Received

AN ACT

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”.

5 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUT-**
6 **TON CELL OR COIN BATTERIES AND CON-**
7 **SUMER PRODUCTS CONTAINING SUCH BAT-**
8 **TERIES.**

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

16 (1) a performance standard requiring the but-
17 ton cell or coin battery compartments of a consumer
18 product containing button cell or coin batteries to be
19 secured in a manner that would eliminate or ade-
20 quately reduce the risk of injury from button or coin
21 cell battery ingestion by children that are 6 years of
22 age or younger during reasonably foreseeable use or
23 misuse conditions; and

24 (2) warning label requirements—

1 (A) to be included on the packaging of but-
2 ton cell or coin batteries and the packaging of
3 a consumer product containing button cell or
4 coin batteries;

5 (B) to be included in any literature, such
6 as a user manual, that accompanies a consumer
7 product containing button cell or coin batteries;
8 and

9 (C) to be included, as practicable—

10 (i) directly on a consumer product
11 containing button cell or coin batteries in
12 a manner that is visible to the consumer
13 upon installation or replacement of the
14 button cell or coin battery; or

15 (ii) in the case of a product for which
16 the battery is not intended to be replaced
17 or installed by the consumer, to be in-
18 cluded directly on the consumer product in
19 a manner that is visible to the consumer
20 upon access to the battery compartment,
21 except that if it is impracticable to label
22 the product, this information shall be
23 placed on the packaging or instructions.

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

- 1 (1) clearly identify the hazard of ingestion; and
- 2 (2) instruct consumers, as practicable, to keep
- 3 new and used batteries out of the reach of children,
- 4 to seek immediate medical attention if a battery is
- 5 ingested, and to follow any other consensus medical
- 6 advice.

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

12 (d) EXCEPTION FOR RELIANCE ON VOLUNTARY
13 STANDARD.—

14 (1) BEFORE PROMULGATION OF STANDARD BY
15 COMMISSION.—Subsection (a) shall not apply if the
16 Commission determines, before the Commission pro-
17 mulgates a final consumer product safety standard
18 under such subsection, that—

19 (A) with respect to any consumer product
20 for which there is a voluntary consumer product
21 safety standard that meets the requirements for
22 a standard promulgated under subsection (a)
23 with respect to such product; and

24 (B) the voluntary standard described in
25 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 enactment of this Act.

6 (2) 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 in whole or in part shall be considered to
16 be a consumer product safety rule promulgated
17 under section 9 of the Consumer Product Safety Act
18 (15 U.S.C. 2058), in place of the prior version, un-
19 less, within 90 days after receiving the notice, the
20 Commission notifies the organization that the re-
21 vised voluntary standard, in whole or in part, does
22 not improve the safety of the consumer product cov-
23 ered by the standard and that the Commission is re-
24 taining all or part of the existing consumer product
25 safety standard.

1 (g) FUTURE RULEMAKING.—At any time after the
2 promulgation of a final consumer product safety standard
3 under subsection (a), a voluntary standard is treated as
4 a consumer product safety rule under subsection (e), or
5 a revised voluntary standard becomes enforceable as a
6 consumer product safety rule under subsection (f), the
7 Commission may initiate a rulemaking in accordance with
8 section 553 of title 5, United States Code, to modify the
9 requirements of the standard or revised standard. Any
10 rule promulgated under this subsection shall be treated
11 as a consumer product safety rule promulgated under sec-
12 tion 9 of the Consumer Product Safety Act (15 U.S.C.
13 2058).

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

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

1 ing in accordance with the method described in section
2 1700.20 of title 16, Code of Federal Regulations (or any
3 successor regulation), or another test method for button
4 cell or coin battery packaging specified, by rule, by the
5 Commission.

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

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

13 The standards promulgated under this Act shall not
14 apply with respect to any toy product that is in compliance
15 with the battery accessibility and labeling requirements of
16 part 1250 of title 16, Code of Federal Regulations, and
17 in reference to section 3(a), shall not apply with respect
18 to button cell or coin batteries that are in compliance with
19 the marking and packaging provisions of the ANSI Safety
20 Standard for Portable Lithium Primary Cells and Bat-
21 teries (ANSI C18.3M).

22 **SEC. 5. DEFINITIONS.**

23 In this Act:

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

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

3 (B) any other battery, regardless of the
4 technology used to produce an electrical charge,
5 that is determined by the Commission to pose
6 an ingestion hazard.

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

9 (3) CONSUMER PRODUCT.—The term “con-
10 sumer product” has the meaning given such term in
11 section 3(a) of the Consumer Product Safety Act
12 (15 U.S.C. 2052(a)).

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

21 (5) TOY PRODUCT.—The term “toy product”
22 means any object designed, manufactured, or mar-
23 keted as a plaything for children under 14 years of
24 age.

1 **SEC. 6. EFFECTIVE DATE.**

2 The standard promulgated under section 2(a) and the
3 requirements of section 3(a) shall only apply to a product
4 that is manufactured or imported after the effective date
5 of such standard or requirement.

Passed the House of Representatives July 27, 2022.

Attest: CHERYL L. JOHNSON,
Clerk.