

Reese's Law

[Public Law 117-171]

[This law has not been amended]

Currency: This publication is a compilation of the text of Public Law 117-171. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>.

Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).

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.

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

SECTION 1. [15 U.S.C. 2051 note] SHORT TITLE.

This Act may be cited as "Reese's Law".

SEC. 2. [15 U.S.C. 2056e] CONSUMER PRODUCT SAFETY STANDARD FOR BUTTON CELL OR COIN BATTERIES AND CONSUMER PRODUCTS CONTAINING SUCH BATTERIES.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Commission shall, in accordance with section 553 of title 5, United States Code, promulgate a final consumer product safety standard for button cell or coin batteries and consumer products containing button cell or coin batteries that shall only contain—

(1) a performance standard requiring the button cell or coin battery compartments of a consumer product containing button cell or coin batteries to be secured in a manner that would eliminate or adequately reduce the risk of injury from button or coin cell battery ingestion by children that are 6 years of age or younger during reasonably foreseeable use or misuse conditions; and

(2) warning label requirements—

(A) to be included on the packaging of button cell or coin batteries and the packaging of a consumer product containing button cell or coin batteries;

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

(C) to be included, as practicable—

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

(ii) in the case of a product for which the battery is not intended to be replaced or installed by the consumer, to be included directly on the consumer product in a manner that is visible to the consumer upon access to the battery compartment, except that if it is impracticable to label the product, this information shall be placed on the packaging or instructions.

(b) REQUIREMENTS FOR WARNING LABELS.—Warning labels required under subsection (a)(2) shall—

(1) clearly identify the hazard of ingestion; and

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

(c) TREATMENT OF STANDARD FOR ENFORCEMENT PURPOSES.—

A consumer product safety standard promulgated under subsection (a) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(d) EXCEPTION FOR RELIANCE ON VOLUNTARY STANDARD.—

(1) BEFORE PROMULGATION OF STANDARD BY COMMISSION.—

Subsection (a) shall not apply if the Commission determines, before the Commission promulgates a final consumer product safety standard under such subsection, that—

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

(B) the voluntary standard described in subparagraph

(A)—

(i) is in effect at the time of the determination by the Commission; or

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

(2) DETERMINATION REQUIRED TO BE PUBLISHED IN FEDERAL REGISTER.—Any determination made by the Commission under this subsection shall be published in the Federal Register.

(e) TREATMENT OF VOLUNTARY STANDARD FOR ENFORCEMENT PURPOSES.—

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

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

(A) the date of the determination of the Commission under subsection (d) with respect to the voluntary standard described in paragraph (1); or

(B) the effective date contained in the voluntary standard described in paragraph (1).

(f) REVISION OF VOLUNTARY STANDARD.—

(1) NOTICE TO COMMISSION.—If a voluntary standard with respect to which the Commission has made a determination under subsection (d) is subsequently revised, the organization that revised the standard shall notify the Commission after the final approval of the revision.

(2) EFFECTIVE DATE OF REVISION.—Beginning on the date that is 180 days after the Commission is notified of a revised voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), such revised voluntary standard in whole or in part shall be considered to be a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in place of the prior version, unless, within 90 days after receiving the notice, the Commission notifies the organization that the revised voluntary standard, in whole or in part, does not improve the safety of the consumer product covered by the standard and that the Commission is retaining all or part of the existing consumer product safety standard.

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

SEC. 3. [15 U.S.C. 2056e note] CHILD-RESISTANT PACKAGING FOR BUTTON CELL OR COIN BATTERIES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, any button cell or coin battery sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States, or included separately with a consumer product sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States, shall be packaged in accordance with the standards provided in section 1700.15 of title 16, Code of Federal Regulations (or any successor regulation), as determined through testing in accordance with the method described in section 1700.20 of title 16, Code of Federal Regulations (or any successor regulation), or another test method for button cell or coin battery packaging specified, by rule, by the Commission.

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

SEC. 4. [15 U.S.C. 2056e note] EXEMPTION FOR COMPLIANCE WITH EXISTING STANDARD.

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

SEC. 5. [15 U.S.C. 2056e note] DEFINITIONS.

In this Act:

- (1) **BUTTON CELL OR COIN BATTERY.**—The term “button cell or coin battery” means—
 - (A) a single cell battery with a diameter greater than the height of the battery; or
 - (B) any other battery, regardless of the technology used to produce an electrical charge, that is determined by the Commission to pose an ingestion hazard.
- (2) **COMMISSION.**—The term “Commission” means the Consumer Product Safety Commission.
- (3) **CONSUMER PRODUCT.**—The term “consumer product” has the meaning given such term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).
- (4) **CONSUMER PRODUCT CONTAINING BUTTON CELL OR COIN BATTERIES.**—The term “consumer product containing button cell or coin batteries” means a consumer product containing or designed to use one or more button cell or coin batteries, regardless of whether such batteries are intended to be replaced by the consumer or are included with the product or sold separately.
- (5) **TOY PRODUCT.**—The term “toy product” means any object designed, manufactured, or marketed as a plaything for children under 14 years of age.

SEC. 6. [15 U.S.C. 2056e note] EFFECTIVE DATE.

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