

Public Law 101-493
101st Congress

An Act

Oct. 31, 1990
[H.R. 5209]

Drug and
Household
Substance
Mailing Act of
1990.
39 USC 3001
note.

To amend title 39, United States Code, to make nonmailable any unsolicited sample of a drug or other hazardous household substance which does not meet child-resistant packaging requirements, 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. SHORT TITLE.

This Act may be cited as the "Drug and Household Substance Mailing Act of 1990".

SEC. 2. MEASURES TO PREVENT INDIVIDUALS FROM BEING INVOLUNTARILY EXPOSED TO POTENTIALLY HAZARDOUS SUBSTANCES RECEIVED THROUGH THE MAILS.

Section 3001 of title 39, United States Code, is amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and by inserting after subsection (e) the following:

"(f) Any matter which is unsolicited by the addressee, which contains a 'household substance' (as defined by section 2 of the Poison Prevention Packaging Act of 1970), and which does not comply with the requirements for special child-resistant packaging established for that substance by the Consumer Product Safety Commission, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

"(g)(1) Matter otherwise legally acceptable in the mails which contains or includes a fragrance advertising sample is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless the sample is sealed, wrapped, treated, or otherwise prepared in a manner reasonably designed to prevent individuals from being unknowingly or involuntarily exposed to the sample.

"(2) The Postal Service shall by regulation establish the standards or requirements which a fragrance advertising sample must satisfy in order for the mail matter involved not to be considered nonmailable under this subsection."

Regulations.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect 180 days after the date of enactment of this Act, and shall apply with respect to any matter mailed on or after that effective date.

39 USC 3001
note.

Approved October 31, 1990.

LEGISLATIVE HISTORY—H.R. 5209:

HOUSE REPORTS: No. 101-758 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Oct. 1, considered and passed House.
Oct. 16, considered and passed Senate.