

111TH CONGRESS  
1ST SESSION

# H. R. 1046

To ensure the effective implementation of children's product safety standards under the Consumer Product Safety Improvement Act of 2008.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. PUTNAM (for himself and Mr. PLATTS) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To ensure the effective implementation of children's product safety standards under the Consumer Product Safety Improvement Act of 2008.

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 the "Children's Product  
5 Safety Enhancement and Clarification Act of 2009".

1 **SEC. 2. MANDATORY EXCLUSION OF FABRIC PRODUCTS**  
2 **FROM LEAD LIMITS; SPECIAL CONSIDER-**  
3 **ATIONS IN ENFORCEMENT WITH RESPECT TO**  
4 **SMALL BUSINESSES, THRIFT STORES SELL-**  
5 **ING USED GOODS, AND DONATIONS TO CHAR-**  
6 **ITIES.**

7 (a) MANDATORY EXCLUSION OF FABRIC PRODUCTS  
8 FROM LEAD LIMITS.—Section 101(b) of the Consumer  
9 Product Safety Improvement Act of 2008 (15 U.S.C.  
10 1278a(b)) is amended by adding at the end the following:

11 “(6) MANDATORY EXCLUSION OF FABRIC PROD-  
12 UCTS.—Subsection (a) of this section shall not apply  
13 to a children’s product (as defined in section  
14 3(a)(16) of the Consumer Product Safety Act) made  
15 solely out of fabric (as defined in section 2(f) of the  
16 Textile Fiber Products Identification Act).”.

17 (b) SPECIAL CONSIDERATIONS IN ENFORCEMENT  
18 WITH RESPECT TO SMALL BUSINESSES, THRIFT STORES  
19 SELLING USED GOODS, AND DONATIONS TO CHAR-  
20 ITIES.—Section 101 of such Act (15 U.S.C. 1278a) is  
21 amended by adding at the end the following:

22 “(h) SPECIAL CONSIDERATIONS IN ENFORCEMENT  
23 WITH RESPECT TO SMALL BUSINESSES, THRIFT STORES  
24 SELLING USED GOODS, AND DONATIONS TO CHAR-  
25 ITIES.—

1           “(1) IN GENERAL.—In enforcing this section  
2           with respect to an entity described in paragraph (2),  
3           or a donation described in paragraph (3) made or to  
4           be made by any entity, the Commission shall do the  
5           following:

6                   “(A) Work cooperatively with the entity.

7                   “(B) Take into account economic, adminis-  
8                   trative, or other limits on the ability of the enti-  
9                   ty to comply with this section.

10                  “(C) Construe this section, as it applies to  
11                  the entity or the donation, favorably to the enti-  
12                  ty.

13           “(2) ENTITY DESCRIBED.—An entity is de-  
14           scribed in this paragraph if the entity—

15                   “(A) has made a good faith effort to com-  
16                   ply with this section; and

17                   “(B) is any of the following:

18                           “(i) A business concern that meets  
19                           the requirements of section 3(a) of the  
20                           Small Business Act and the regulations  
21                           promulgated pursuant to that section.

22                           “(ii) A person who sells, including on  
23                           consignment, a children’s product (as de-  
24                           fined in section 3(a)(16) of the Consumer  
25                           Product Safety Act) that, when sold or of-

1           ferred for sale, has been previously pur-  
2           chased by a consumer.

3           “(3) DONATION DESCRIBED.—A donation is de-  
4           scribed in this paragraph if the donation is of a chil-  
5           dren’s product (as defined in section 3(a)(16) of the  
6           Consumer Product Safety Act) by a person to an or-  
7           ganization that is—

8                   “(A) described in section 501(e)(3) of the  
9                   Internal Revenue Code of 1986; and

10                   “(B) exempt from taxation under section  
11                   501(a) of such Code.”.

12           (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect as if included in the enact-  
14 ment of section 101 of the Consumer Product Safety Im-  
15 provement Act of 2008.

16 **SEC. 3. EXEMPTION OF FABRIC PRODUCTS FROM MANDA-**  
17 **TORY THIRD PARTY TESTING.**

18           (a) IN GENERAL.—Section 14(a)(2) of the Consumer  
19 Product Safety Act (15 U.S.C. 2063(a)(2)), as amended  
20 by section 102(a)(2) of the Consumer Product Safety Im-  
21 provement Act of 2008, is amended by inserting after “a  
22 children’s product safety rule” the following: “(except a  
23 children’s product made solely out of fabric (as defined  
24 in section 2(f) of the Textile Fiber Products Identification  
25 Act))”.

1           (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect as if included in the enact-  
3 ment of section 102 of the Consumer Product Safety Im-  
4 provement Act of 2008.

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