

111TH CONGRESS
2D SESSION

S. 3896

To protect children against hazards associated with swallowing button cell batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-proof closures on remote controls and other consumer electronic products that use such batteries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Mr. GOODWIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect children against hazards associated with swallowing button cell batteries by requiring the Consumer Product Safety Commission to promulgate a consumer product safety standard to require child-proof closures on remote controls and other consumer electronic 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 the “Access to Button Cell
5 Batteries Act of 2010”.

1 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR BUT-**
2 **TON CELL BATTERY ACCESS.**

3 (a) DEFINITIONS.—In this section:

4 (1) BATTERY-OPERATED OR ASSISTED CON-
5 SUMER ELECTRONIC PRODUCT.—The term “battery-
6 operated or assisted consumer electronic product”
7 means a remote control, clock, musical greeting
8 card, automobile key, flashlight, or other consumer
9 product powered in whole or in part by a button cell
10 battery that is designed, manufactured, and sold pri-
11 marily for use by consumers in or around their
12 homes or motor vehicles.

13 (2) BUTTON CELL BATTERY.—The term “but-
14 ton cell battery” means—

15 (A) a lithium cell battery that is 32 milli-
16 meters or less in diameter; or

17 (B) any other battery of that size, regard-
18 less of the technology used to produce an elec-
19 trical charge, as determined by the Consumer
20 Product Commission.

21 (3) CONSUMER PRODUCT.—The term “con-
22 sumer product” has the meaning given the term in
23 section 3 of the Consumer Product Safety Act (15
24 U.S.C. 2052).

25 (b) STANDARD REQUIRED.—Not later than 1 year
26 after the date of the enactment of this Act, the Consumer

1 Product Safety Commission shall promulgate, as a final
 2 consumer product safety standard under section 7(a) of
 3 the Consumer Product Safety Act (15 U.S.C. 2056(a)),
 4 a standard that requires button cell battery compartments
 5 of battery-operated or assisted consumer electronic prod-
 6 ucts be secured, to the greatest extent practicable, in a
 7 manner that reduces access to button cell batteries by chil-
 8 dren that are 3 years of age or younger.

9 (c) EXPEDITED RULEMAKING.—

10 (1) IN GENERAL.—The standard required by
 11 subsection (b) shall be promulgated in accordance
 12 with section 553 of title 5, United States Code.

13 (2) INAPPLICABILITY OF CERTAIN PROMULGA-
 14 TION REQUIREMENTS.—The requirements of sub-
 15 sections (a) through (f) and (g)(1) of section 9 of
 16 the Consumer Product Safety Act (15 U.S.C. 2058)
 17 shall not apply to the promulgation of the standard
 18 required by subsection (b) of this section.

19 (d) EFFECTIVE DATE.—The final consumer product
 20 safety standard required by subsection (b) shall apply to
 21 battery-operated or assisted consumer electronic products
 22 manufactured on or after the date that is 1 year after
 23 the date on which the Commission promulgates such
 24 standard.

○