

magnets, and consumers' underappreciation of the hazard. In addition, commercially reasonable packaging requirements would only prevent young children (typically, children under 5 years old) from accessing the product, not older children, or teens, who are involved in the majority of magnet ingestion incidents.

(5) Another alternative is to require subject magnet products to be coated with aversive agents. This alternative would reduce the burden associated with the rule because it would allow firms to continue to sell subject magnet products and the costs of such coatings likely would be small. However, such requirements are not likely to adequately address the hazard because they do not address ingestions that occur when the first magnet is placed in the victim's mouth, before the aversive agent is detected, accidental ingestions, or children who are developmentally inclined to place objects in their mouths.

(6) Another alternative is to provide a later effective date for the final rule. This may reduce the burdens associated with the rule by spreading them over a longer period, but it would also delay the safety benefits of the rule.

(7) For these reasons, the Commission finds that the rule imposes the least burdensome requirement that prevents or adequately reduces the risk of injury associated with magnet ingestions.

PART 1263—SAFETY STANDARD FOR BUTTON CELL OR COIN BATTERIES AND CONSUMER PRODUCTS CONTAINING SUCH BATTERIES

Sec.

1263.1 Scope, purpose, effective date, and exemption.

1263.2 Definitions.

1263.3 Requirements for consumer products containing button cell or coin batteries.

1263.4 Requirements for labeling of button cell or coin battery packaging.

AUTHORITY: 15 U.S.C. 2052, 2056e.

SOURCE: 88 FR 65295, Sept. 21, 2023, unless otherwise noted.

§ 1263.1 Scope, purpose, effective date, and exemption.

(a) *Scope and purpose.* As required by Reese's Law (15 U.S.C 2056e, Pub. L. 117–171), this part establishes performance and labeling requirements for consumer products containing button cell or coin batteries to prevent child access to batteries during reasonably foreseeable use and misuse of the consumer product. The part is intended to eliminate or adequately reduce the risk of injury and death to children 6 years old and younger from ingesting these batteries. This part also establishes warning label requirements for packaging of consumer products containing button cell or coin batteries, these consumer products, and instructions and manuals accompanying these consumer products. Additionally, this part establishes warning label requirements for packaging of button cell or coin batteries, including button cell or coin batteries packaged separately with a consumer product.

(b) *Effective date.* Except as provided in paragraph (c) of this section, the effective date of §1263.3 is October 23, 2023. Packages of button cell or coin batteries manufactured or imported after September 21, 2024, must meet the labeling requirements for battery packaging in §1263.4.

(c) *Exemption for toy products.* Any object designed, manufactured, or marketed as a plaything for children under 14 years of age that is in compliance with the battery accessibility and labeling requirements of 16 CFR part 1250 is exempt from the requirements of this part.

(d) *Batteries that do not present an ingestion hazard.* Button cell or coin batteries that the Commission has determined do not present an ingestion hazard are not subject to this part. These are: zinc-air button cell or coin batteries.

[88 FR 65295, Sept. 21, 2023, as amended at 88 FR 65303, Sept. 21, 2023]

§ 1263.2 Definitions.

In addition to the definitions given in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) and section 5 of Reese's Law (Notes to 15 U.S.C.

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2056e), the following definitions apply for purposes of this part:

Button cell or coin battery means:

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

(2) Any other battery, regardless of the technology used to produce an electrical charge, that is determined by the Commission to pose an ingestion hazard.

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.

Ingestion hazard means a hazard caused by a person swallowing or inserting a button cell or coin battery into their body whereby:

(1) The button cell or coin battery can become lodged in the digestive tract or airways; and

(2) Can potentially cause death or serious injury through choking, generation of hazardous chemicals, leaking of hazardous chemicals, electrical burns, pressure necrosis, or other means.

Principal display panel means the display panel for a retail package of button cell or coin batteries that is most likely to be displayed, shown, presented, or examined under normal or customary conditions of display for retail sale. The principal display panel is typically the front of the package.

Secondary display panel means a display panel for a retail package of button cell or coin batteries that is opposite or next to the principal display panel. The secondary display panel is typically the rear or side panels of the package.

[88 FR 65295, Sept. 21, 2023, as amended at 88 FR 65303, Sept. 21, 2023]

§ 1263.3 Requirements for consumer products containing button cell or coin batteries.

Each consumer product containing button cell or coin batteries shall comply with ANSI/UL 4200A, *Standard for Safety for Products Incorporating Button Batteries or Coin Cell Batteries*, approved on August 30, 2023. The Director of the Federal Register approves this incorpo-

ration by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is available for inspection at the U.S. Consumer Product Safety Commission and at the National Archives and Records Administration (NARA). Contact the U.S. Consumer Product Safety Commission at: the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, telephone (301) 504-7479, email: cpssc-os@cpssc.gov. For information on the availability of this material at NARA, visit <https://www.archives.gov/federal-register/cfr/ibr-locations> or email fr.inspection@nara.gov. A free, read-only copy of the standard is available for viewing on UL's website at <https://www.ulstandards.com/IBR/logon.aspx>.

You may also obtain a copy from Underwriters Laboratories, Inc (UL), 333 Pfingsten Road, Northbrook, IL 60062, or through UL's website: www.UL.com.

§ 1263.4 Requirements for labeling of button cell or coin battery packaging.

(a) *General requirements for labeling of button cell or coin battery packaging.* (1) All warning statements must be clearly visible, prominent, legible, and permanently marked.

(2) Warning statements must be in contrasting color to the background onto which the warning statement is printed.

(3) Warning statements must be in English.

(4) The safety alert symbol, an exclamation mark in a triangle, when used with the signal word, must precede the signal word. The base of the safety alert symbol must be on the same horizontal line as the base of the letters of the signal word. The height of the safety alert symbol must equal or exceed the signal word letter height.

(5) The signal word "WARNING" and safety alert symbol must be in black letters on an orange background unless this would conflict with paragraphs (a)(1) and (2) of this section or only one color is present, in which case, the signal word and safety alert symbol must contrast to the background on which they are printed. The signal word must appear in sans serif letters in upper case only.

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(6) Certain text in the message panel must be in bold and in capital letters as shown in the example warning labels (figure 1 to paragraph (b)(1) and figure 3 to paragraph (b)(2)) to get the attention of the reader.

(7) For labels that are required to be on the packaging of button cell and coin batteries, text size must be dependent on the area of the principal display panel. Text size must be determined based on table 1 to this paragraph (a)(7).

TABLE 1 TO PARAGRAPH (a)(7)—LETTER SIZE FOR RECOMMENDED WARNING LABELS
[Information based on 16 CFR 1500.19(d)(7)]

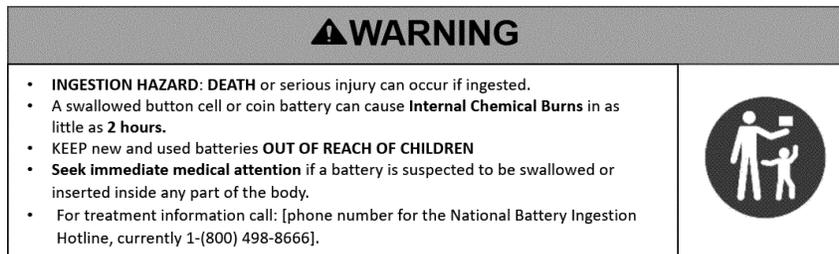
Letter size measurements in inches								
Display area: inches ²	0–2	+2–5	+5–10	+10–15	+15–30	+30–100	+100–400	+400
Signal word (WARNING)	3/64	1/16	3/32	7/64	1/8	5/32	1/4	1/2
Statement of Hazard	3/64	3/64	1/16	3/32	3/32	7/64	5/32	1/4
Other Text	1/32	3/64	1/16	1/16	5/64	3/32	7/64	5/32

Letter size measurements in cm (for reference only)								
Display area: cm ²	0–13	+13–32	+32–65	+65–97	+97–194	+194–645	+645–2,581	+2,581
Signal word (WARNING)	0.119	0.159	0.238	0.278	0.318	0.397	0.635	1.270
Statement of Hazard	0.119	0.119	0.159	0.238	0.238	0.278	0.397	0.635
Other Text	0.079	0.119	0.159	0.159	0.198	0.238	0.278	0.397

(b) *Warning label requirements for button cell or coin battery packaging.* (1) The principal display panel of the packaging must include the warning label in figure 1 to this paragraph (b)(1). The

icon must be at least 8 mm (0.3 inches) in diameter. The text must state the following warnings as shown in figure 1 to this paragraph (b)(1).

FIGURE 1 TO PARAGRAPH (B)(1)



(2) If space prohibits the full warning label shown in figure 1 to paragraph (b)(1), place the icon shown in figure 2 to this paragraph (b)(2) on the principal display panel with the text shown in figure 3 to this paragraph (b)(2) on the

secondary display panel. The icon must be at least 20 mm in diameter. The text must state the following warnings as shown on figure 3 to this paragraph (b)(2).

FIGURE 2 TO PARAGRAPH (B)(2)



Figure 3 to Paragraph (b)(2)

WARNING: INGESTION HAZARD • DEATH or serious injury can occur • A swallowed button cell or coin battery can cause internal Chemical Burns in as little as 2 hours • **KEEP** new and used batteries **OUT OF REACH OF CHILDREN** • **Seek** immediate medical attention if a battery is suspected to be swallowed or inserted inside any part of the body • For treatment information call: [phone number for the National Poison Helpline, currently 1-800-486-8666].

(3) The following safety-related statements must be addressed on the principal display panel or secondary display panel:

(i) Keep in original package until ready to use.

(ii) Immediately dispose of used batteries and keep away from children. Do NOT dispose of batteries in household trash.

(4) For button cell or coin battery packaging included separately with a consumer product, only paragraphs (b)(1) and (2) of this section apply.

[88 FR 65303, Sept. 21, 2023]

PART 1270—SAFETY STANDARD FOR ADULT PORTABLE BED RAILS

Sec.

1270.1 Scope, application, and effective date.

1270.2 Requirements for adult portable bed rails.

1270.3 Prohibited stockpiling.

APPENDIX A TO PART 1270—FINDINGS UNDER THE CONSUMER PRODUCT SAFETY ACT

AUTHORITY: 15 U.S.C. 2056, 15 U.S.C. 2058, and 5 U.S.C. 553.

SOURCE: 88 FR 46979, July 21, 2023, unless otherwise noted.

§ 1270.1 Scope, application, and effective date.

This part establishes a consumer product safety standard for adult portable bed rails manufactured after August 21, 2023.

§ 1270.2 Requirements for adult portable bed rails.

(a) Except as provided in paragraph (b) of this section, each adult portable bed rail must comply with all applicable provisions of ASTM F3186-17, *Standard Specification for Adult Portable Bed Rails and Related Products*, approved on August 1, 2017. The Director of the Federal Register approves this incorporation by reference in accordance with 5

U.S.C. 552(a) and 1 CFR part 51. This incorporation by reference (IBR) material is available for inspection at the U.S. Consumer Product Safety Commission and at the National Archives and Records Administration (NARA). Contact the U.S. Consumer Product Safety Commission at: Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814, telephone (301) 504-7479, email *cpsc-os@cpsc.gov*. For information on the availability of this material at NARA, email *fr.inspection@nara.gov*, or go to: *www.archives.gov/federal-register/cfr/ibr-locations.html*. A read-only copy of the standard is available for viewing on the ASTM website at *https://www.astm.org/READINGLIBRARY/*. You may obtain a copy from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; telephone (610) 832-9585; *www.astm.org*.

(b) Comply with the ASTM F3186-17 standard with the following changes:

(1) In addition to complying with the definitions in section 3.1 of ASTM F3186-17, comply with the following definitions:

(i) *Entrapment zone*. An area, gap, or opening that can potentially capture or restrain a person's body part. Hazardous openings may not always be visible prior to testing.

(ii) *Initial assembly*. The first assembly of the product components after purchase, and prior to installing on the bed.

(iii) *Initial installation*. The first installation of the product onto a bed or mattress.

(iv) *Installation component*. Component(s) of the bed rail that is/are specifically designed to attach the bed and typically located under the mattress when in the manufacturer's recommended use position.