

this subsection shall be treated as a consumer product safety rule promulgated under section 2058 of this title.

(7) Action required

(A) Education campaign

Not later than 1 year after December 27, 2020, the Commission shall undertake a campaign to educate consumers about the dangers associated with using or storing portable fuel containers for flammable liquids near an open flame or any other source of ignition.

(B) Summary of actions

Not later than 2 years after December 27, 2020, the Commission shall submit to Congress a summary of actions taken by the Commission in such campaign.

(8) Portable fuel container defined

In this section, the term “portable fuel container” means any container or vessel (including any spout, cap, and other closure mechanism or component of such container or vessel or any retrofit or aftermarket spout or component intended or reasonably anticipated to be for use with such container)—

(A) intended for flammable liquid fuels with a flash point less than 140 degrees Fahrenheit, including gasoline, kerosene, diesel, ethanol, methanol, denatured alcohol, or biofuels;

(B) that is a consumer product with a capacity of 5 gallons or less; and

(C) that the manufacturer knows or reasonably should know is used by consumers for transporting, storing, and dispensing flammable liquid fuels.

(9) Rule of construction

This section may not be interpreted to conflict with the Children’s Gasoline Burn Prevention Act (Public Law 110–278; 122 Stat. 2602).

(c) Children’s Gasoline Burn Prevention Act

(1) Omitted

(2) Applicability

The amendment made by paragraph (1) shall take effect 6 months after December 27, 2020.

(Pub. L. 116–260, div. FF, title IX, § 901, Dec. 27, 2020, 134 Stat. 3204.)

Editorial Notes

REFERENCES IN TEXT

This section, referred to in subsec. (b)(1), (3)(A), (8), and (9), was in the original “this Act”, which was translated as reading “this section”, meaning section 901 of Pub. L. 116–260, div. FF, title IX, Dec. 27, 2020, 134 Stat. 3204, to reflect the probable intent of Congress.

The Children’s Gasoline Burn Prevention Act, referred to in subsecs. (b)(9) and (c), is Pub. L. 110–278, July 17, 2008, 122 Stat. 2602, which is set out as a note under section 2056 of this title.

CODIFICATION

Section was enacted as the Portable Fuel Container Safety Act of 2020, and not as part of the Consumer Product Safety Act which comprises this chapter.

Section is comprised of section 901 of div. FF of Pub. L. 116–260. Subsec. (c)(1) of section 901 of div. FF of Pub.

L. 116–260 amended section 2 of Pub. L. 110–278, which is set out in a note under section 2056 of this title.

§ 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 August 16, 2022, the Commission shall, in accordance with section 553 of title 5, 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 2058 of this title.

(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 August 16, 2022.

(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 2058 of this title 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 2058 of this title, 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 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 2058 of this title.

(Pub. L. 117–171, §2, Aug. 16, 2022, 136 Stat. 2094.)

Editorial Notes

CODIFICATION

Section was enacted as part of Reese’s Law, and not as part of the Consumer Product Safety Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

CHILD-RESISTANT PACKAGING FOR BUTTON CELL OR COIN BATTERIES

Pub. L. 117–171, §3, Aug. 16, 2022, 136 Stat. 2096, provided that:

“(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act [Aug. 16, 2022], 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)).”

EXEMPTION FOR COMPLIANCE WITH EXISTING STANDARD

Pub. L. 117–171, §4, Aug. 16, 2022, 136 Stat. 2096, provided that: “The standards promulgated under this Act [see Short Title of 2022 Amendment note set out under section 2051 of this title] 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) [set out in a note above], 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).”

APPLICABILITY DATE OF STANDARD AND REQUIREMENTS

Pub. L. 117–171, §6, Aug. 16, 2022, 136 Stat. 2097, provided that: “The standard promulgated under section 2(a) [15 U.S.C. 2056e(a)] and the requirements of section 3(a) [set out in a note above] shall only apply to a product that is manufactured or imported after the effective date of such standard or requirement.”

DEFINITIONS

Pub. L. 117–171, §5, Aug. 16, 2022, 136 Stat. 2096, provided that: “In this Act [see Short Title of 2022 Amendment note set out under section 2051 of this title]:

“(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.”

§ 2056f. Consumer product safety standard to protect against tip-over of clothing storage units

(a) Clothing storage unit defined

In this section, the term “clothing storage unit” means any free-standing furniture item manufactured in the United States or imported for use in the United States that is intended for the storage of clothing, typical of bedroom furniture.

(b) CPSC determination of scope

The Consumer Product Safety Commission shall specify the types of furniture items within the scope of subsection (a) as part of a standard promulgated under this section based on tip-over data as reasonably necessary to protect children up to 72 months of age from injury or death.

(c) Consumer product safety standard required

(1) In general

Except as provided in subsection (f)(1), not later than 1 year after December 29, 2022, the Consumer Product Safety Commission shall—

(A) in consultation with representatives of consumer groups, clothing storage unit manufacturers, craft or handmade furniture manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for clothing storage units; and

(B) in accordance with section 553 of title 5 and paragraph (2), promulgate a final consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury, that shall take effect 180 days after the date of promulgation or such a later date as the Commission determines appropriate.

(2) Requirements

The standard promulgated under paragraph (1) shall protect children from tip-over-related death or injury with—

(A) tests that simulate the weight of children up to 60 pounds;

(B) objective, repeatable, reproducible, and measurable tests or series of tests that simulate real-world use and account for impacts

on clothing storage unit stability that may result from placement on carpeted surfaces, drawers with items in them, multiple open drawers, and dynamic force;

(C) testing of all clothing storage units, including those 27 inches and above in height; and

(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(3) Testing clarification

Tests referred to in paragraph (2)(B) shall allow for the utilization of safety features (excluding tip restraints) to work as intended if the features cannot be overridden by consumers in normal use.

(4) Treatment of standard

A consumer product safety standard promulgated under paragraph (1) shall be treated as a consumer product safety rule promulgated under section 2058 of this title.

(d) Adoption of voluntary standard

(1) In general

If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 90 days after the date on which such determination is made and in accordance with section 553 of title 5, promulgate a final consumer product safety standard that adopts the applicable performance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 2058 of this title. Such standard shall take effect 120 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing standard for clothing storage units to protect children from tip-over-related death or injury.

(2) Requirements

The requirements of this paragraph with respect to a voluntary standard for clothing storage units are that such standard—

(A) protects children up to 72 months of age from tip-over-related death or injury;

(B) meets the requirements described in subsection (c)(2);

(C) is, or will be, published not later than 60 days after December 29, 2022; and

(D) is developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of this section.

(3) Notice required to be published in the Federal Register

The Commission shall publish a notice in the Federal Register upon beginning the promulgation of a rule under this subsection.