

Consumer Product Safety Act [15 U.S.C. 2051 et seq.]. Nothing in this section or the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) shall be construed to preempt or otherwise affect any State requirement with respect to any phthalate alternative not specifically regulated in a consumer product safety standard under the Consumer Product Safety Act.

(g) Definitions

(1) Defined terms

As used in this section:

(A) The term “phthalate alternative” means any common substitute to a phthalate, alternative material to a phthalate, or alternative plasticizer.

(B) The term “children’s toy” means a consumer product designed or intended by the manufacturer for a child 12 years of age or younger for use by the child when the child plays.

(C) The term “child care article” means a consumer product designed or intended by the manufacturer to facilitate sleep or the feeding of children age 3 and younger, or to help such children with sucking or teething.

(D) The term “consumer product” has the meaning given such term in section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)).

(2) Determination guidelines

(A) Age

In determining whether products described in paragraph (1) are designed or intended for use by a child of the ages specified, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for use by children of the ages specified.

(iii) Whether the product is commonly recognized by consumers as being intended for use by a child of the ages specified.

(iv) The Age Determination guidelines issued by the Commission staff in September 2002 and any successor to such guidelines.

(B) Toy that can be placed in a child’s mouth

For purposes of this section a toy can be placed in a child’s mouth if any part of the toy can actually be brought to the mouth and kept in the mouth by a child so that it can be sucked and chewed. If the children’s product can only be licked, it is not regarded as able to be placed in the mouth. If a toy or part of a toy in one dimension is smaller than 5 centimeters, it can be placed in the mouth.

(Pub. L. 110–314, title I, §108, Aug. 14, 2008, 122 Stat. 3036; Pub. L. 112–28, §5(a), Aug. 12, 2011, 125 Stat. 280.)

Editorial Notes

REFERENCES IN TEXT

August 12, 2011, referred to in subsec. (c), was in the original “the date of enactment of this Act”, which was

translated as meaning the date of enactment of Pub. L. 112–28, which enacted subsec. (c), to reflect the probable intent of Congress.

The Consumer Product Safety Act, referred to in subsec. (f), is Pub. L. 92–573, Oct. 27, 1972, 86 Stat. 1207, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of this title and Tables.

CODIFICATION

Section was enacted as part of the Consumer Product Safety Improvement Act of 2008, and not as part of the Consumer Product Safety Act which comprises this chapter.

AMENDMENTS

2011—Subsecs. (c) to (g). Pub. L. 112–28 added subsecs. (c) and (d) and redesignated former subsecs. (c) to (e) as (e) to (g), respectively.

Statutory Notes and Related Subsidiaries

DEFINITION

For definition of “Commission” used in this section, see section 2(a) of Pub. L. 110–314, set out as a note under section 2051 of this title.

§ 2057d. Banning of inclined sleepers for infants

(a) In general

Not later than 180 days after May 16, 2022, inclined sleepers for infants, regardless of the date of manufacture, shall be considered a banned hazardous product under section 2057 of this title.

(b) Inclined sleeper for infants defined

In this section, the term “inclined sleeper for infants” means a product with an inclined sleep surface greater than ten degrees that is intended, marketed, or designed to provide sleeping accommodations for an infant up to 1 year old.

(Pub. L. 117–126, §2, May 16, 2022, 136 Stat. 1208.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Safe Sleep for Babies Act of 2021, and not as part of the Consumer Product Safety Act which comprises this chapter.

§ 2057e. Banning of crib bumpers

(a) In general

Not later than 180 days after May 16, 2022, crib bumpers, regardless of the date of manufacture, shall be considered a banned hazardous product under section 2057 of this title.

(b) Crib bumper defined

In this section, the term “crib bumper”—

(1) means any material that is intended to cover the sides of a crib to prevent injury to any crib occupant from impacts against the side of a crib or to prevent partial or complete access to any openings in the sides of a crib to prevent a crib occupant from getting any part of the body entrapped in any opening;

(2) includes a padded crib bumper, a supported and unsupported vinyl bumper guard, and vertical crib slat covers; and

(3) does not include a non-padded mesh crib liner.