

112TH CONGRESS
1ST SESSION

S. 1165

To protect children and other consumers against hazards associated with the accidental ingestion of button cell batteries by requiring the Consumer Product Safety Commission to promulgate consumer product safety standards to require child-resistant closures on remote controls and other consumer products that use such batteries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2011

Mr. ROCKEFELLER (for himself and Mr. PRYOR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect children and other consumers against hazards associated with the accidental ingestion of button cell batteries by requiring the Consumer Product Safety Commission to promulgate consumer product safety standards to require child-resistant closures on remote controls and other consumer 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Button Cell Battery
3 Safety Act of 2011”.

4 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARDS FOR**
5 **BUTTON CELL BATTERY ACCESS.**

6 (a) DEFINITIONS.—In this section:

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

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

18 (A) a cell battery that is 32 millimeters or
19 less in diameter and less than its diameter in
20 length; or

21 (B) any other battery, regardless of the
22 technology used to produce an electrical charge,
23 as determined by the Consumer Product Safety
24 Commission to pose an ingestion hazard.

25 (3) CONSUMER PRODUCT.—The term “con-
26 sumer product” has the meaning given the term in

1 section 3 of the Consumer Product Safety Act (15
2 U.S.C. 2052).

3 (b) STANDARDS REQUIRED.—Not later than 1 year
4 after the date of the enactment of this Act, the Consumer
5 Product Safety Commission shall promulgate, as a final
6 consumer product safety standard under section 7(a) of
7 the Consumer Product Safety Act (15 U.S.C. 2056(a))—

8 (1) a standard requiring button cell battery
9 compartments of battery-operated or assisted con-
10 sumer products to be secured, to the greatest extent
11 practicable, in a manner that reduces access to but-
12 ton cell batteries by children that are 3 years of age
13 or younger; and

14 (2) standards requiring warning labels—

15 (A) to be included in any literature that
16 accompanies a battery-operated or assisted con-
17 sumer product, such as a user manual;

18 (B) to be included on packaging for button
19 cell batteries sold to consumers; and

20 (C) to be included, as practicable, directly
21 on a battery-operated or assisted consumer
22 product in a manner that is visible to the con-
23 sumer upon installation or replacement of the
24 button cell battery.

1 (c) **WARNING LABELS.**—Warning labels required
2 under subsection (b) shall—

3 (1) clearly identify the hazard of ingestion; and

4 (2) instruct consumers, as practicable, to keep
5 new and used batteries out of the reach of children
6 and to seek immediate medical attention if a battery
7 is ingested.

8 (d) **EXPEDITED RULEMAKING.**—

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

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

18 (e) **EFFECTIVE DATE.**—Each final consumer product
19 safety standard required by subsection (b) shall apply to
20 battery-operated or assisted consumer products manufac-
21 tured on or after the date that is 1 year after the date
22 on which the Commission promulgates the standard.

Æ