

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H.R. 965

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IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, MARCH 3), 1993

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Committee discharged

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## AN ACT

To provide for toy safety 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 “Child Safety Protection  
5 Act”.

6 **SEC. 2. REQUIREMENTS FOR LABELING AND BANNING.**

7 (a) TOYS OR GAMES FOR CHILDREN WHO ARE AT  
8 LEAST 3.—

1           (1) REQUIREMENT.—The packaging of any toy  
2 or game intended for use by children who are at  
3 least 3 years old but not older than 6 years or such  
4 other upper age limit as the Commission may deter-  
5 mine which may not be less than 5 years old, any  
6 descriptive materials which accompany such toy or  
7 game, and the bin, container for retail display, or  
8 vending machine from which it is dispensed shall  
9 bear or contain the cautionary label described in  
10 paragraph (2) if the toy or game—

11                   (A) is manufactured for sale, offered for  
12 sale, or distributed in commerce in the United  
13 States, and

14                   (B) includes a small part, as defined by  
15 the Commission.

16 In the case of such a toy or game dispensed from  
17 a vending machine, the packaging of such toy or  
18 game shall not be required to bear the cautionary  
19 label described in paragraph (2).

20           (2) LABEL.—The cautionary label required  
21 paragraph (1) for a toy or game shall be as follows:

1 (b) BALLOONS, SMALL BALLS, AND MARBLES AND  
2 TOYS AND GAMES.—

3 (1) REQUIREMENT.—In the case of any balloon,  
4 small ball intended for children 3 years of age or  
5 older, marble intended for children 3 years of age or  
6 older, or any toy or game which contains such a bal-  
7 loon, small ball, or marble, which is manufactured  
8 for sale, offered for sale, or distributed in commerce  
9 in the United States—

10 (A) the packaging of such balloon, small  
11 ball, or marble or toy or game,

12 (B) any descriptive materials which accom-  
13 pany such balloon, small ball, or marble or toy  
14 or game, and

15 (C) the bin or container for retail display  
16 of a balloon, small ball, or marble or toy or  
17 game or the vending machine from which the  
18 balloon, small ball, or marble or toy or game is  
19 dispensed,

20 shall contain the cautionary label described in para-  
21 graph (2). In the case of such a balloon, small ball,  
22 or marble or toy or game dispensed from a vending  
23 machine, the packaging of such a balloon, small ball,  
24 or marble or toy or game shall not be required to  
25 bear the cautionary label described in paragraph (2).

1           (2) LABEL.—The cautionary label required  
2           under paragraph (1) for a balloon, small ball, mar-  
3           ble, or toy or game shall be as follows:

4                   (A) BALLOONS.—

5                   (B) SMALL BALLS.—

6                   (C) MARBLES, TOYS, AND GAMES.—

1           (3) DEFINITION.—For purposes of this sub-  
2           section, a small ball is a ball with a diameter of 1.75  
3           inches or less.

4           (c) GENERAL LABELING REQUIREMENTS.—All label-  
5           ing required under subsection (a) or (b) for a toy or game  
6           or balloon, small ball, or marble shall—

7           (1) be prominently and conspicuously displayed  
8           on the packaging of the toy or game or balloon,  
9           small ball, or marble, on any descriptive materials  
10          which accompany the toy or game or balloon, small  
11          ball, or marble, and on the bin or container for retail  
12          display of the toy or game or balloon, small ball, or  
13          marble or the vending machine from which the toy  
14          or game or balloon, small ball, or marble is dis-  
15          pensed, and

16          (2) be visible and noticeable.

17          (d) ENFORCEMENT.—The requirements of sub-  
18          sections (a), (b), and (c) shall be considered to be a regula-  
19          tion issued by the Consumer Product Safety Commission  
20          under section 3(b) of the Federal Hazardous Substances  
21          Act (15 U.S.C. 1262(b)).

22          (e) OTHER SMALL BALLS.—A small ball—

23                  (1) intended for children under the age of 3,  
24                  and

25                  (2) with a diameter of 1.75 inches or less,

1 shall be considered a banned hazardous substance under  
2 section 2(q) of the Federal Hazardous Substances Act.

3 **SEC. 3. REGULATIONS AND EFFECTIVE DATE.**

4 (a) REGULATIONS.—The Consumer Product Safety  
5 Commission shall promulgate regulations, under section  
6 553 of title 5, United States Code, for the implementation  
7 of section 2 by January 1, 1994. Subsections (f) through  
8 (i) of section 3 of the Federal Hazardous Substances Act  
9 (15 U.S.C. 1262) shall not apply with respect to the issu-  
10 ance of regulations under this subsection.

11 (b) EFFECTIVE DATE.—Section 2 shall take effect  
12 February 1, 1994, with respect to products entered into  
13 commerce on or after that date.

14 **SEC. 4. BICYCLE HELMETS.**

15 (a) INITIAL STANDARD.—Within 9 months of the  
16 date of the enactment of this Act, all bicycle helmets man-  
17 ufactured after the expiration of such 9 months shall con-  
18 form to—

19 (1) the ANSI standard designated Z90.4–1984,

20 (2) the 1990 Snell Memorial Foundation Stand-  
21 ard for Protective Headgear for Use in Bicycling,  
22 B–90, or

23 (3) such other standard as the Commission de-  
24 termines is appropriate,

1 until a standard under subsection (b) takes effect. A hel-  
2 met which does not conform to a standard identified in  
3 paragraph (1), (2), or (3) shall, until the standard takes  
4 effect under subsection (b), be considered in violation of  
5 a consumer product safety standard issued under the  
6 Consumer Product Safety Act.

7 (b) PROCEEDING.—Within 60 days of the date of the  
8 enactment of this Act, the Consumer Product Safety Com-  
9 mission shall begin a proceeding under section 553 of title  
10 5, United States Code, to—

11 (1) harmonize the requirements of the ANSI  
12 standard, the Snell standard, and other appropriate  
13 standards into a standard of the Commission,

14 (2) include in the standard of the Commission  
15 provisions to protect against helmets rolling off the  
16 heads of riders,

17 (3) include in the standard of the Commission  
18 standards which address risk of injury to children,  
19 and

20 (4) include additional provisions as appropriate.

21 The standard developed under paragraphs (1) through (4)  
22 shall be considered a consumer product safety standard  
23 issued under the Consumer Product Safety Act and shall  
24 take effect 1 year after the date it is issued. Sections 7,  
25 9, and 30(d) of the Consumer Product Safety Act (15

1 U.S.C. 2056, 2058, 2079(d)) shall not apply to any pro-  
2 ceeding under this subsection and section 11 of such Act  
3 (15 U.S.C. 2060) shall not apply with respect to any  
4 standard issued as a result of such proceeding.

Passed the House of Representatives March 16,  
1993.

Attest

DONNALD K. ANDERSON,

*Clerk*