

103^D CONGRESS
2^D SESSION

H. R. 965

AMENDMENT
TO
SENATE AMENDMENT

In the House of Representatives, U. S.,

March 9, 1994.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 965) entitled “An Act to provide for toy safety and for other purposes”, with the following

AMENDMENT:

In lieu of the matter inserted by said amendment, insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Child Safety Protection*
3 *Act”.*

4 ***TITLE I—TOY LABELING REQUIREMENTS***

5 ***SEC. 101. REQUIREMENTS FOR LABELING CERTAIN TOYS***

6 ***AND GAMES.***

7 *(a) REQUIREMENT UNDER FEDERAL HAZARDOUS*
8 *SUBSTANCES ACT.—The Federal Hazardous Substances Act*
9 *(15 U.S.C. 1261 et seq.) is amended by adding at the end*
10 *the following new section:*

11 ***“SEC. 24. REQUIREMENTS FOR LABELING CERTAIN TOYS***

12 ***AND GAMES.***

13 *“(a) TOYS OR GAMES FOR CHILDREN WHO ARE AT*
14 *LEAST 3.—*

1 “(1) *REQUIREMENT.*—*The packaging of any toy*
2 *or game intended for use by children who are at least*
3 *3 years old but not older than 6 years (or such other*
4 *upper age limit as the Commission may determine,*
5 *which may not be less than 5 years old), any descrip-*
6 *tive material which accompanies such toy or game,*
7 *and, in the case of bulk sales of such toy or game*
8 *when unpackaged, any bin, container for retail dis-*
9 *play, or vending machine from which the unpackaged*
10 *toy or game is dispensed shall bear or contain the*
11 *cautionary statement described in paragraph (2) if*
12 *the toy or game—*

13 “(A) *is manufactured for sale, offered for*
14 *sale, or distributed in commerce in the United*
15 *States, and*

16 “(B) *includes a small part, as defined by*
17 *the Commission.*

18 “(2) *LABEL.*—*The cautionary statement required*
19 *by paragraph (1) for a toy or game shall be as fol-*
20 *lows:*

21 “(b) *BALLOONS, SMALL BALLS, AND MARBLES.*—

1 “(1) *REQUIREMENT.*—*In the case of any latex*
2 *balloon, any ball with a diameter of 1.75 inches or*
3 *less intended for children 3 years of age or older, any*
4 *marble intended for children 3 years of age or older,*
5 *or any toy or game which contains such a balloon,*
6 *ball, or marble, which is manufactured for sale, of-*
7 *fered for sale, or distributed in commerce in the*
8 *United States—*

9 “(A) *the packaging of such balloon, ball,*
10 *marble, toy, or game,*

11 “(B) *any descriptive material which accom-*
12 *panies such balloon, ball, marble, toy, or game,*
13 *and*

14 “(C) *in the case of bulk sales of any such*
15 *product when unpackaged, any bin, container for*
16 *retail display, or vending machine from which*
17 *such unpackaged balloon, ball, marble, toy, or*
18 *game is dispensed,*

19 *shall bear or contain the cautionary statement de-*
20 *scribed in paragraph (2).*

21 “(2) *LABEL.*—*The cautionary statement required*
22 *under paragraph (1) for a balloon, ball, marble, toy,*
23 *or game shall be as follows:*

1 “(A) *BALLOONS.*—*In the case of balloons, or*
2 *toys or games that contain latex balloons, the fol-*
3 *lowing cautionary statement applies:*

4 “(B) *BALLS.*—*In the case of balls, the fol-*
5 *lowing cautionary statement applies:*

6 “(C) *MARBLES.*—*In the case of marbles, the*
7 *following cautionary statement applies:*

8 “(D) *TOYS AND GAMES.*—*In the case of toys*
9 *or games containing balls, the following caution-*
10 *ary statement applies:*

1 *In the case of toys or games containing marbles,*
2 *the following cautionary statement applies:*

3 “(c) *GENERAL LABELING REQUIREMENTS.*—

4 “(1) *IN GENERAL.*—*Except as provided in para-*
5 *graphs (2) and (3), any cautionary statement re-*
6 *quired under subsection (a) or (b) shall be—*

7 “(A) *displayed in its entirety on the prin-*
8 *cipal display panel of the product’s package, and*
9 *on any descriptive material which accompanies*
10 *the product, and, in the case of bulk sales of such*
11 *product when unpackaged, on the bin, container*
12 *for retail display of the product, and any vend-*
13 *ing machine from which the unpackaged product*
14 *is dispensed, and*

15 “(B) *displayed in the English language in*
16 *conspicuous and legible type in contrast by ty-*
17 *pography, layout, or color with other printed*
18 *matter on such package, descriptive materials,*
19 *bin, container, and vending machine, and in a*
20 *manner consistent with part 1500 of title 16,*
21 *Code of Federal Regulations (or successor regula-*
22 *tions thereto).*

1 “(2) *EXCEPTION FOR PRODUCTS MANUFACTURED*
2 *OUTSIDE UNITED STATES.*—*In the case of a product*
3 *manufactured outside the United States and directly*
4 *shipped from the manufacturer to the consumer by*
5 *United States mail or other delivery service, the ac-*
6 *companying material inside the package of the prod-*
7 *uct may fail to bear the required statement if other*
8 *accompanying material shipped with the product*
9 *bears such statement.*

10 “(3) *SPECIAL RULES FOR CERTAIN PACKAGES.*—
11 *(A) A cautionary statement required by subsection (a)*
12 *or (b) may, in lieu of display on the principal dis-*
13 *play panel of the product’s package, be displayed on*
14 *another panel of the package if—*

15 “(i) *the package has a principal display*
16 *panel of 15 square inches or less and the re-*
17 *quired statement is displayed in three or more*
18 *languages; and*

19 “(ii) *the statement specified in subpara-*
20 *graph (B) is displayed on the principal display*
21 *panel and is accompanied by an arrow or other*
22 *indicator pointing toward the place on the pack-*
23 *age where the statement required by subsection*
24 *(a) or (b) appears.*

1 “(B)(i) In the case of a product to which sub-
2 section (a), subsection (b)(2)(B), subsection (b)(2)(C),
3 or subsection (b)(2)(D) applies, the statement speci-
4 fied by this subparagraph is as follows:

5 “(ii) In the case of a product to which subsection
6 (b)(2)(A) applies, the statement specified by this sub-
7 paragraph is as follows:

8 “(d) *TREATMENT AS MISBRANDED HAZARDOUS SUB-*
9 *STANCE.*—A balloon, ball, marble, toy, or game, that is not
10 in compliance with the requirements of this subsection shall
11 be considered a misbranded hazardous substance under sec-
12 tion 2(p).”.

13 (b) *OTHER SMALL BALLS.*—A small ball—

14 (1) intended for children under the age of 3
15 years of age, and

16 (2) with a diameter of 1.75 inches or less,
17 shall be considered a banned hazardous substance under sec-
18 tion 2(q) of the Federal Hazardous Substances Act (15
19 U.S.C. 1261(q)).

20 (c) *REGULATIONS.*—The Consumer Product Safety
21 Commission (hereinafter referred to as the “Commission”)

1 *shall promulgate regulations, under section 553 of title 5,*
2 *United States Code, for the implementation of this section*
3 *and section 24 of the Federal Hazardous Substances Act*
4 *by July 1, 1994, or the date that is 6 months after the date*
5 *of enactment of this Act, whichever occurs first. Subsections*
6 *(f) through (i) of section 3 of the Federal Hazardous Sub-*
7 *stances Act (15 U.S.C. 1262) shall not apply with respect*
8 *to the issuance of regulations under this subsection.*

9 (d) *EFFECTIVE DATE; APPLICABILITY.*—Subsections
10 *(a) and (b) shall take effect January 1, 1995, and section*
11 *24 of the Federal Hazardous Substances Act shall apply*
12 *only to products entered into commerce on or after January*
13 *1, 1995.*

14 (e) *PREEMPTION.*—

15 (1) *IN GENERAL.*—Subject to paragraph (2), a
16 *State or political subdivision of a State may not es-*
17 *tablish or enforce a requirement relating to caution-*
18 *ary labeling of small parts hazards or choking haz-*
19 *ards in any toy, game, marble, small ball, or balloon*
20 *intended or suitable for use by children unless such*
21 *requirement is identical to a requirement established*
22 *by amendments made by this section to the Federal*
23 *Hazardous Substances Act or by regulations promul-*
24 *gated by the Commission.*

1 (2) *EXCEPTION.*—A State or political subdivi-
2 sion of a State may, until January 1, 1995, enforce
3 a requirement described in paragraph (1) if such re-
4 quirement was in effect on October 2, 1993.

5 **SEC. 102. REPORTING REQUIREMENTS.**

6 (a) *REPORTS TO CONSUMER PRODUCT SAFETY COM-*
7 *MISSION.*—

8 (1) *REQUIREMENT TO REPORT.*—Each manufac-
9 turer, distributor, retailer, and importer of a marble,
10 small ball, or latex balloon, or a toy or game that
11 contains a marble, small ball, latex balloon, or other
12 small part, shall report to the Commission any infor-
13 mation obtained by such manufacture, distributor, re-
14 tailer, or importer which reasonably supports the con-
15 clusion that—

16 (A) an incident occurred in which a child
17 (regardless of age) choked on such a marble,
18 small ball, or latex balloon or on a marble, small
19 ball, latex balloon, or other small part contained
20 in such toy or game; and

21 (B) as a result of that incident the child
22 died, suffered serious injury, ceased breathing for
23 any length of time, or was treated by a medical
24 professional.

1 **SEC. 202. STANDARDS.**

2 (a) *IN GENERAL.*—Bicycle helmets manufactured 9
3 months or more after the date of the enactment of this Act
4 shall conform to—

5 (1) any interim standard described under sub-
6 section (b), pending the establishment of a final
7 standard pursuant to subsection (c); and

8 (2) the final standard, once it has been estab-
9 lished under subsection (c).

10 (b) *INTERIM STANDARDS.*—The interim standards are
11 as follows:

12 (1) The American National Standards Institute
13 standard designated as “Z90.4-1984”.

14 (2) The Snell Memorial Foundation standard
15 designated as “B-90”.

16 (3) The American Society for Testing and Mate-
17 rials (ASTM) standard designated as “F 1447”.

18 (4) Any other standard that the Commission de-
19 termines is appropriate.

20 (c) *FINAL STANDARD.*—Not later than 60 days after
21 the date of the enactment of this Act, the Commission shall
22 begin a proceeding under section 553 of title 5, United
23 States Code, to—

24 (1) review the requirements of the interim stand-
25 ards set forth in subsection (a) and establish a final
26 standard based on such requirements;

1 (2) *include in the final standard a provision to*
2 *protect against the risk of helmets coming off the*
3 *heads of bicycle riders;*

4 (3) *include in the final standard provisions that*
5 *address the risk of injury to children; and*

6 (4) *include additional provisions as appropriate.*

7 *Sections 7, 9, and 30(d) of the Consumer Product Safety*
8 *Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to the*
9 *proceeding under this subsection and section 11 of such Act*
10 *(15 U.S.C. 2060) shall not apply with respect to any stand-*
11 *ard issued under such proceeding. The final standard shall*
12 *take effect 1 year from the date it is issued.*

13 (d) *FAILURE TO MEET STANDARDS.—*

14 (1) *FAILURE TO MEET INTERIM STANDARD.—*

15 *Until the final standard takes effect, a bicycle helmet*
16 *that does not conform to an interim standard as re-*
17 *quired under subsection (a)(1) shall be considered in*
18 *violation of a consumer product safety standard pro-*
19 *mulgated under the Consumer Product Safety Act.*

20 (2) *STATUS OF FINAL STANDARD.—The final*
21 *standard developed under subsection (c) shall be con-*

- 1 *sidered a consumer product safety standard promul-*
- 2 *gated under the Consumer Product Safety Act.*

Attest:

Clerk.

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