

Union Calendar No. 13

103D CONGRESS
1ST SESSION

H. R. 965

[Report No. 103-29]

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To provide for toy safety and for other purposes.

MARCH 10, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 1993

Mrs. COLLINS of Illinois introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH 10, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 18, 1993]

A BILL

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".*

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

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

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

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

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

19 *In the case of such a toy or game dispensed from a*
20 *vending machine, the packaging of such toy or game*
21 *shall not be required to bear the cautionary label de-*
22 *scribed in paragraph (2).*

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

3 (b) *BALLOONS, SMALL BALLS, AND MARBLES AND*
4 *TOYS AND GAMES.*—

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

12 (A) *the packaging of such balloon, small*
13 *ball, or marble or toy or game,*

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

17 (C) *the bin or container for retail display*
18 *of a balloon, small ball, or marble or toy or game*
19 *or the vending machine from which the balloon,*
20 *small ball, or marble or toy or game is dis-*
21 *persed,*

1 *shall contain the cautionary label described in para-*
2 *graph (2). In the case of such a balloon, small ball,*
3 *or marble or toy or game dispensed from a vending*
4 *machine, the packaging of such a balloon, small ball,*
5 *or marble or toy or game shall not be required to bear*
6 *the cautionary label described in paragraph (2).*

7 (2) *LABEL.—The cautionary label required*
8 *under paragraph (1) for a balloon, small ball, marble,*
9 *or toy or game shall be as follows:*

10 (A) *BALLOONS.—*

11 (B) *SMALL BALLS.—*

1 (C) *MARBLES, TOYS, AND GAMES.*—

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

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

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

16 (2) *be visible and noticeable.*

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

1 (e) *OTHER SMALL BALLS.*—A small ball—

2 (1) *intended for children under the age of 3, and*

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

4 *shall be considered a banned hazardous substance under sec-*
5 *tion 2(q) of the Federal Hazardous Substances Act.*

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

7 (a) *REGULATIONS.*—The Consumer Product Safety
8 Commission shall promulgate regulations, under section
9 553 of title 5, United States Code, for the implementation
10 of section 2 by January 1, 1994. Subsections (f) through
11 (i) of section 3 of the Federal Hazardous Substances Act
12 (15 U.S.C 1262) shall not apply with respect to the issuance
13 of regulations under this subsection.

14 (b) *EFFECTIVE DATE.*—Section 2 shall take effect Feb-
15 ruary 1, 1994, with respect to products entered into com-
16 merce on or after that date.

17 **SEC. 4. BICYCLE HELMETS.**

18 (a) *INITIAL STANDARD.*—Within 9 months of the date
19 of the enactment of this Act, all bicycle helmets manufac-
20 tured after the expiration of such 9 months shall conform
21 to—

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

23 (2) *the 1990 Snell Memorial Foundation Stand-*
24 *ard for Protective Headgear for Use in Bicycling, B–*

25 *90, or*

1 (3) *such other standard as the Commission deter-*
2 *mines is appropriate,*
3 *until a standard under subsection (b) takes effect. A helmet*
4 *which does not conform to a standard identified in para-*
5 *graph (1), (2), or (3) shall, until the standard takes effect*
6 *under subsection (b), be considered in violation of a*
7 *consumer product safety standard issued under the*
8 *Consumer Product Safety Act.*

9 (b) *PROCEEDING.*—*Within 60 days of the date of the*
10 *enactment of this Act, the Consumer Product Safety Com-*
11 *mission shall begin a proceeding under section 553 of title*
12 *5, United States Code, to—*

13 (1) *harmonize the requirements of the ANSI*
14 *standard, the Snell standard, and other appropriate*
15 *standards into a standard of the Commission,*

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

19 (3) *include in the standard of the Commission*
20 *standards which address risk of injury to children,*
21 *and*

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

23 *The standard developed under paragraphs (1) through (4)*
24 *shall be considered a consumer product safety standard is-*
25 *sued under the Consumer Product Safety Act and shall take*

1 *effect 1 year after the date it is issued. Sections 7, 9, and*
2 *30(d) of the Consumer Product Safety Act (15 U.S.C. 2056,*
3 *2058, 2079(d)) shall not apply to any proceeding under this*
4 *subsection and section 11 of such Act (15 U.S.C. 2060) shall*
5 *not apply with respect to any standard issued as a result*
6 *of such proceeding.*