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,
SECTION 1. SHORT TITLE.
This Act may be cited as the “Button Cell Battery Safety Act of 2011”.

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

(a) DEFINITIONS.—In this section:

(1) Battery-operated or assisted consumer product.—The term “battery-operated or assisted consumer product” means a remote control, clock, musical greeting card, automobile key, flashlight, novelty, or other consumer product powered in whole or in part by a button cell battery and that is designed, manufactured, and sold primarily for use by consumers in or around their homes or motor vehicles.

(2) Button cell battery.—The term “button cell battery” means—

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

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

(3) Consumer product.—The term “consumer product” has the meaning given the term in

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

(1) a standard requiring button cell battery compartments of battery-operated or assisted consumer products to be secured, to the greatest extent practicable, in a manner that reduces access to button cell batteries by children that are 3 years of age or younger; and

(2) standards requiring warning labels—

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

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

(C) to be included, as practicable, directly on a battery-operated or assisted consumer product in a manner that is visible to the consumer upon installation or replacement of the button cell battery.
(c) **WARNING LABELS.**—Warning labels required under subsection (b) shall—

(1) clearly identify the hazard of ingestion; and

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

(d) **EXPEDITED RULEMAKING.**—

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

(2) **INAPPLICABILITY OF CERTAIN PROMULGATION REQUIREMENTS.**—The requirements of subsections (a) through (f) and (g)(1) of section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) shall not apply to the promulgation of the standards required by subsection (b) of this section.

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