

111TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children’s products, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children’s products, 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 “Common Sense in Con-  
5 sumer Product Safety Act of 2009”.

1 **SEC. 2. EXCLUSION OF SECONDARY SALES, REPAIR SERV-**  
2 **ICES, AND CERTAIN VEHICLES FROM BAN ON**  
3 **LEAD IN CHILDREN’S PRODUCTS.**

4 (a) EXCLUSION OF SECONDARY SALES AND REPAIR  
5 SERVICES.—Subsection (a) of section 101 of the Con-  
6 sumer Product Safety Improvement Act of 2008 (15  
7 U.S.C. 1278a) is amended by adding at the end the fol-  
8 lowing:

9 “(3) CONSTRUCTION.—

10 “(A) SECONDARY SALES.—The sale of a  
11 children’s product described in paragraph (1)  
12 after the first retail sale of that product shall  
13 not be considered an introduction or delivery  
14 for introduction into interstate commerce under  
15 section 4(a) of the Federal Hazardous Sub-  
16 stances Act (15 U.S.C. 1263(a)) of such prod-  
17 uct.

18 “(B) REPAIR SERVICES.—The repair of a  
19 children’s product described in paragraph (1)  
20 shall not be considered an introduction or deliv-  
21 ery for introduction into interstate commerce  
22 under such section 4(a) of such product.”.

23 (b) EXCLUSION OF CERTAIN VEHICLES.—Subsection  
24 (b) of such section 101(b) is amended—

25 (1) by redesignating paragraph (5) as para-  
26 graph (6); and

1           (2) by inserting after paragraph (4) the fol-  
2           lowing:

3           “(5) CERTAIN VEHICLES.—A vehicle designed  
4           or intended primarily for children 7 years of age or  
5           older shall not be considered a children’s product for  
6           purposes of the prohibition in subsection (a). In de-  
7           termining whether a vehicle is primarily intended for  
8           a child 7 years of age or older, the factors specified  
9           in section 3(a)(2) of the Consumer Product Safety  
10          Act (15 U.S.C. 2052(a)(2)) shall be considered ex-  
11          cept that such section shall be applied by sub-  
12          stituting ‘7 years of age or older’ for ‘12 years of  
13          age or younger’ each place that term appears.”.