

TRANSFER OF FUNCTIONS

“Commission” substituted for “Secretary” and “Consumer Product Safety Commission” substituted for “Secretary of Health, Education, and Welfare” in par. (1) pursuant to section 30(a) of Pub. L. 92-573, which is classified to section 2079(a) of this title and which transferred functions of Secretary of Health, Education, and Welfare under this chapter to Consumer Product Safety Commission.

§ 1472. Special packaging standards**(a) Establishment**

The Commission,¹ may establish in accordance with the provisions of this Act, by regulation, standards for the special packaging of any household substance if it finds that—

- (1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance; and
- (2) the special packaging to be required by such standard is technically feasible, practicable, and appropriate for such substance.

(b) Considerations

In establishing a standard under this section, the Commission shall consider—

- (1) the reasonableness of such standard;
- (2) available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;
- (3) the manufacturing practices of industries affected by this Act; and
- (4) the nature and use of the household substance.

(c) Publication of findings, reasons, and citation of statutory authorizations

In carrying out this Act, the Commission shall publish its findings, its reasons therefor, and citation of the sections of statutes which authorize its action.

(d) Limitation

Nothing in this Act shall authorize the Commission to prescribe specific packaging designs, product content, package quantity, or, with the exception of authority granted in section 1473(a)(2) of this title, labeling. In this case of a household substance for which special packaging is required pursuant to a regulation under this section, the Commission may in such regulation prohibit the packaging of such substance in packages which it determines are unnecessarily attractive to children.

(e) Cost-benefit analysis not required

Nothing in this Act shall be construed to require the Consumer Product Safety Commission, in establishing a standard under this section, to prepare a comparison of the costs that would be incurred in complying with such standard with the benefits of such standard.

(Pub. L. 91-601, §3, Dec. 30, 1970, 84 Stat. 1670; Pub. L. 92-573, §30(a), Oct. 27, 1972, 86 Stat. 1231;

Pub. L. 97-414, §9(k), Jan. 4, 1983, 96 Stat. 2065; Pub. L. 110-314, title II, §233, Aug. 14, 2008, 122 Stat. 3073.)

REFERENCES IN TEXT

For classification to the Code of “this Act”, referred to in text, see References in Text note set out under section 1471 of this title.

AMENDMENTS

2008—Subsec. (e). Pub. L. 110-314 added subsec. (e).
1983—Subsec. (a). Pub. L. 97-414 struck out “, after consultation with the technical advisory committee provided for in section 1475 of this title” after “The Commission”.

TRANSFER OF FUNCTIONS

“Commission” substituted for “Secretary”, “it” substituted for “he”, and “its” substituted for “his” wherever appearing in subsecs. (a) to (d) pursuant to section 30(a) of Pub. L. 92-573, which is classified to section 2079(a) of this title and which transferred functions of Secretary of Health, Education, and Welfare under this chapter to Consumer Product Safety Commission.

§ 1473. Conventional packages, marketing**(a) Noncomplying packages for elderly or handicapped persons; labeling statements**

For the purpose of making any household substance which is subject to a standard established under section 1472 of this title readily available to elderly or handicapped persons unable to use such substance when packaged in compliance with such standard, the manufacturer or packer, as the case may be, may package any household substance, subject to such a standard, in packaging of a single size which does not comply with such standard if—

- (1) the manufacturer (or packer) also supplies such substance in packages which comply with such standard; and

- (2) the packages of such substance which do not meet such standard bear conspicuous labeling stating: “This package for households without young children”; except that the Commission may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such labeling.

(b) Noncomplying packages for substances dispensed pursuant to orders of medical practitioners

In the case of a household substance which is subject to such a standard and which is dispensed pursuant to an order of physician, dentist, or other licensed medical practitioner authorized to prescribe, such substance may be dispensed in noncomplying packages only when directed in such order or when requested by the purchaser.

(c) Exclusive use of special packaging; necessary circumstances

In the case of a household substance subject to such a standard which is packaged under subsection (a) in a noncomplying package, if the Commission determines that such substance is not also being supplied by a manufacturer (or packer) in popular size packages which comply with such standard, it may, after giving the manufacturer (or packer) an opportunity to comply with the purposes of this Act, by order

¹ Comma retained in amendment by Pub. L. 97-414.