

118TH CONGRESS
1ST SESSION

S. 238

To require the Consumer Product Safety Commission to issue a consumer product safety standard for portable electric heating devices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2023

Mr. BLUMENTHAL (for himself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Consumer Product Safety Commission to issue a consumer product safety standard for portable electric heating devices, 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 “Safer Heat Act of
5 2023”.

1 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR**
2 **PORTABLE HEATING DEVICES.**

3 (a) CONSUMER PRODUCT SAFETY STANDARD RE-
4 QUIRED.—The Consumer Product Safety Commission
5 shall—

6 (1) in consultation with representatives of con-
7 sumer groups, portable heating device product man-
8 ufacturers, and independent engineers and experts
9 and fire safety experts, examine and assess the ef-
10 fectiveness of any voluntary consumer product safety
11 standard for portable heating devices; and

12 (2) in accordance with section 553 of title 5,
13 United States Code, promulgate a consumer product
14 safety standard that includes, at a minimum, a re-
15 quirement that the portable heating device shut off
16 at threshold determined hazardous by the Commis-
17 sion, and that—

18 (A) is substantially the same as such vol-
19 untary standard; or

20 (B) is more stringent than such voluntary
21 standard, if the Commission determines that a
22 more stringent standard would further reduce
23 the risk of injury associated with such device.

24 (b) TREATMENT OF STANDARD.—A consumer prod-
25 uct safety standard promulgated under subsection (a)
26 shall be treated as a consumer product safety rule promul-

1 gated under section 9 of the Consumer Product Safety Act
2 (15 U.S.C. 2058).

3 (c) ADDITIONAL RULEMAKING.—After promulgating
4 the standard required pursuant to subsection (a), the
5 Commission may, in accordance with section 553 of title
6 5, United States Code, periodically review and revise the
7 standard to ensure the standard provides the highest level
8 of safety for portable heating devices that is feasible.

9 (d) JUDICIAL REVIEW.—Any person adversely af-
10 fected by a standard promulgated or revised under this
11 section may file a petition for review under the procedures
12 set forth in section 11(g) of the Consumer Product Safety
13 Act (15 U.S.C. 2060(g)).

14 (e) REVISIONS TO VOLUNTARY STANDARD.—

15 (1) NOTICE OF ADOPTION.—Not later than 60
16 days after the date on which the Commission pro-
17 mulgates a consumer product safety standard under
18 this section that is based, in whole or in part, on a
19 voluntary standard, the Commission shall notify the
20 organization that issued the voluntary standard of
21 the Commission standard and shall provide a copy of
22 the Commission standard to the organization.

23 (2) COMMISSION ACTION ON REVISED VOL-
24 UNTARY STANDARD.—

1 (A) NOTIFICATION BY STANDARDS ORGA-
2 NIZATION.—Not later than 60 days after the
3 date on which an organization revises a stand-
4 ard that has been adopted, in whole or in part,
5 as a consumer product safety standard under
6 this section, the organization shall notify the
7 Commission of such revision.

8 (B) ADOPTION OR REJECTION OF REVISED
9 STANDARD.—A revised voluntary standard de-
10 scribed under subparagraph (A) shall be treated
11 as a consumer product safety standard promul-
12 gated under section 9 of the Consumer Product
13 Safety Act (15 U.S.C. 2058) effective 180 days
14 after the date on which the organization notifies
15 the Commission (or such later date specified by
16 the Commission in the Federal Register) unless,
17 within 90 days after the date on which the no-
18 tice is received, the Commission notifies the or-
19 ganization that the Commission has determined
20 that the revised voluntary standard does not
21 improve the safety of the consumer product cov-
22 ered by the standard and that the Commission
23 will not adopt that standard.

24 (f) DEFINITIONS.—In this section:

1 (1) COMMISSION.—The term “Commission”
2 means the Consumer Product Safety Commission.

3 (2) PORTABLE HEATING DEVICE.—The term
4 “portable heating device” shall have the meaning
5 given such term by the Commission.

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