

117TH CONGRESS
2D SESSION

S. 3232

AN ACT

To require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Tip-overs of Un-
3 stable, Risky Dressers on Youth Act” or the “STURDY
4 Act”.

5 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD TO PRO-**
6 **TECT AGAINST TIP-OVER OF CLOTHING**
7 **STORAGE UNITS.**

8 (a) CLOTHING STORAGE UNIT DEFINED.—In this
9 section, the term “clothing storage unit” means any free-
10 standing furniture item manufactured in the United
11 States or imported for use in the United States that is
12 intended for the storage of clothing, typical of bedroom
13 furniture.

14 (b) CPSC DETERMINATION OF SCOPE.—The Con-
15 sumer Product Safety Commission shall specify the types
16 of furniture items within the scope of subsection (a) as
17 part of a standard promulgated under this section based
18 on tip-over data as reasonably necessary to protect chil-
19 dren up to 72 months of age from injury or death.

20 (c) CONSUMER PRODUCT SAFETY STANDARD RE-
21 QUIRED.—

22 (1) IN GENERAL.—Except as provided in sub-
23 section (f)(1), not later than 1 year after the date
24 of the enactment of this Act, the Consumer Product
25 Safety Commission shall—

1 (A) in consultation with representatives of
2 consumer groups, clothing storage unit manu-
3 facturers, craft or handmade furniture manu-
4 facturers, and independent child product engi-
5 neers and experts, examine and assess the ef-
6 fectiveness of any voluntary consumer product
7 safety standards for clothing storage units; and

8 (B) in accordance with section 553 of title
9 5, United States Code, and paragraph (2), pro-
10 mulgate a final consumer product safety stand-
11 ard for clothing storage units to protect chil-
12 dren from tip-over-related death or injury, that
13 shall take effect 180 days after the date of pro-
14 mulgation or such a later date as the Commis-
15 sion determines appropriate.

16 (2) REQUIREMENTS.—The standard promul-
17 gated under paragraph (1) shall protect children
18 from tip-over-related death or injury with—

19 (A) tests that simulate the weight of chil-
20 dren up to 60 pounds;

21 (B) objective, repeatable, reproducible, and
22 measurable tests or series of tests that simulate
23 real-world use and account for impacts on
24 clothing storage unit stability that may result
25 from placement on carpeted surfaces, drawers

1 with items in them, multiple open drawers, and
2 dynamic force;

3 (C) testing of all clothing storage units, in-
4 cluding those 27 inches and above in height;
5 and

6 (D) warning requirements based on ASTM
7 F2057–19, or its successor at the time of en-
8 actment, provided that the Consumer Product
9 Safety Commission may strengthen the warning
10 requirements of ASTM F2057–19, or its suc-
11 cessor, if reasonably necessary to protect chil-
12 dren from tip-over-related death or injury.

13 (3) TESTING CLARIFICATION.—Tests referred
14 to in paragraph (2)(B) shall allow for the utilization
15 of safety features (excluding tip restraints) to work
16 as intended if the features cannot be overridden by
17 consumers in normal use.

18 (4) TREATMENT OF STANDARD.—A consumer
19 product safety standard promulgated under para-
20 graph (1) shall be treated as a consumer product
21 safety rule promulgated under section 9 of the Con-
22 sumer Product Safety Act (15 U.S.C. 2058).

23 (d) ADOPTION OF VOLUNTARY STANDARD.—

24 (1) IN GENERAL.—If a voluntary standard ex-
25 ists that meets the requirements of paragraph (2),

1 the Commission shall, not later than 180 days after
2 the date on which such determination is made and
3 in accordance with section 553 of title 5, United
4 States Code, promulgate a final consumer product
5 safety standard that adopts the applicable perform-
6 ance requirements of such voluntary standard re-
7 lated to protecting children from tip-over-related
8 death or injury. A consumer product safety standard
9 promulgated under this subsection shall be treated
10 as a consumer product safety rule promulgated
11 under section 9 of the Consumer Product Safety Act
12 (15 U.S.C. 2058). Such standard shall take effect
13 180 days after the date of the promulgation of the
14 rule, or such a later date as the Commission deter-
15 mines appropriate. Such standard will supersede any
16 other existing consumer product safety standard for
17 clothing storage units to protect children from tip-
18 over-related death or injury.

19 (2) REQUIREMENTS.—The requirements of this
20 paragraph with respect to a voluntary standard for
21 clothing storage units are that such standard—

22 (A) includes performance requirements
23 that meet the requirements described in sub-
24 section (c)(2);

1 (B) is, or will be, published not later than
2 120 days after the date of enactment of this
3 Act; and

4 (C) is developed by ASTM International or
5 such other standard development organization
6 that the Commission determines is in compli-
7 ance with the intent of this Act.

8 (3) NOTICE REQUIRED TO BE PUBLISHED IN
9 THE FEDERAL REGISTER.—The Commission shall
10 publish a notice in the Federal Register upon begin-
11 ning the promulgation of a rule under this sub-
12 section.

13 (e) REVISION OF VOLUNTARY STANDARD.—

14 (1) NOTICE TO COMMISSION.—If the perform-
15 ance requirements of a voluntary standard adopted
16 under subsection (d) are subsequently revised, the
17 organization that revised the performance require-
18 ments of such standard shall notify the Commission
19 of such revision after final approval.

20 (2) TREATMENT OF REVISION.—Not later than
21 90 days after the date on which the Commission is
22 notified of revised performance requirements of a
23 voluntary standard described in paragraph (1) (or
24 such later date as the Commission determines ap-
25 propriate), the Commission shall determine whether

1 the revised performance requirements meet the re-
2 quirements of subsection (d)(2)(A), and if so, mod-
3 ify, in accordance with section 553 of title 5, United
4 States Code, the standard promulgated under sub-
5 section (d) to include the revised performance re-
6 quirements that the Commission determines meet
7 such requirements. The modified standard shall take
8 effect after 180 days or such later date as the Com-
9 mission deems appropriate.

10 (f) SUBSEQUENT RULEMAKING.—

11 (1) IN GENERAL.—Beginning 5 years after the
12 date of enactment of this Act, subsequent to the
13 publication of a consumer product safety standard
14 under this section, the Commission may, at any
15 time, initiate rulemaking, in accordance with section
16 553 of title 5, United States Code, to modify the re-
17 quirements of such standard or to include additional
18 provisions if the Commission makes a determination
19 that such modifications or additions are reasonably
20 necessary to protect children from tip-over-related
21 death or injury.

22 (2) PETITION FOR REVISION OF RULE.—

23 (A) IN GENERAL.—If the Commission re-
24 ceives a petition for a new or revised test that
25 permits incorporated safety features (excluding

1 tip restraints) to work as intended, if the fea-
2 tures cannot be overridden by consumers in
3 normal use and provide an equivalent or greater
4 level of safety as the tests developed under sub-
5 section (c)(2) or the performance requirements
6 described in subsection (d)(2)(A), as applicable,
7 the Commission shall determine within 120
8 days—

9 (i) whether the petition meets the re-
10 quirements for petitions set forth in sec-
11 tion 1051.5 of title 16, Code of Federal
12 Regulations, or any successor regulation
13 implementing section 9(i) of the Consumer
14 Product Safety Act (15 U.S.C. 2058(i));
15 and

16 (ii) whether the petition demonstrates
17 that the test could reasonably meet the re-
18 quirements of subsection (e)(2)(B), and if
19 so, the Commission shall determine by re-
20 corded vote, within 60 days after the deter-
21 mination, whether to initiate rulemaking,
22 in accordance with section 553 of title 5,
23 United States Code, to revise a consumer
24 product safety standard promulgated

1 under this section to include the new or re-
2 vised test.

3 (B) DEMONSTRATION OF COMPLIANCE.—

4 Compliance with the testing requirements of a
5 standard revised under paragraph (2)(A) may
6 be demonstrated either through the perform-
7 ance of a new or revised test under paragraph
8 (2)(A) or the performance of the tests otherwise
9 required under a standard promulgated under
10 this section.

11 (3) TREATMENT OF RULES.—Any rule promul-
12 gated under this subsection, including any modifica-
13 tion or revision made under this subsection, shall be
14 treated as a consumer product safety rule promul-
15 gated under section 9 of the Consumer Product
16 Safety Act (15 U.S.C. 2058).

Passed the Senate September 29, 2022.

Attest:

Secretary.

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