

117TH CONGRESS
2D SESSION

S. 4479

To ban certain small, high-powered magnets, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2022

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

A BILL

To ban certain small, high-powered magnets, 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 “Magnet Injury Preven-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Small, high-powered magnets are commonly
9 sold in sets of 200 or more individual magnets.

10 (2) Small, high-powered magnets pose a hidden
11 hazard to infants, children, and teens.

1 (3) When 2 or more high-powered magnets are
2 ingested, or a high-powered magnet and a ferromag-
3 netic object are ingested, the force (or flux) allows
4 magnets to find each other across or between dif-
5 ferent segments of body tissue, such as GI tissue.

6 (4) When magnets, or magnets and ferromag-
7 netic objects, connect across or between different
8 segments of body tissue, the result can be perfora-
9 tions, abscesses, fistulas, or other life-threatening
10 conditions.

11 (5) Sometimes, the magnetic force causes the
12 body tissue, such as intestines, to twist, cutting off
13 blood supply and leading to bowel necrosis.

14 (6) Ingestion of 2 or more high-powered
15 magnets, or a high-powered magnet and a ferromag-
16 netic object, confers a high risk of abdominal catas-
17 trophe and death.

18 (7) Ingestion of 2 or more high-powered
19 magnets has resulted in numerous deaths and seri-
20 ous injuries.

21 (8) Children almost universally require high-
22 cost medical intervention following high-powered
23 magnet ingestions.

24 (9) Evidence does not exist that warning infor-
25 mation, alone, will sufficiently reduce the hazard as-

1 sociated with the ingestion of small, high-powered
2 magnets.

3 (10) The absence of final regulatory action to
4 reinstate standards for small, high-powered magnet
5 sets requires legislative action.

6 **SEC. 3. BAN ON CERTAIN MAGNETS.**

7 (a) BAN ON CERTAIN SMALL, HIGH-POWERED
8 MAGNETS.—Not later than 90 days after the date of en-
9 actment of this Act, covered small, high-powered magnets,
10 regardless of the date of manufacture, shall be considered
11 a banned hazardous product under section 8 of the Con-
12 sumer Product Safety Act (15 U.S.C. 2057).

13 (b) COVERED SMALL, HIGH-POWERED MAGNET DE-
14 FINED.—In this section, the term “covered small, high-
15 powered magnet” means any individual or set of separable
16 magnets that—

17 (1) is—

18 (A) a consumer product (as defined in sec-
19 tion 3 of the Consumer Product Safety Act (15
20 U.S.C. 2052)) that is—

21 (i) designed, marketed, or intended to
22 be used for entertainment, jewelry (includ-
23 ing children’s jewelry), mental stimulation,
24 stress relief, or a combination of these;

1 (ii) not a toy subject to ASTM F963
 2 (or any successor standard); and

3 (iii) not children's jewelry that is sub-
 4 ject to ASTM F2923 (or any successor
 5 standard); or

6 (B) a component of a consumer product
 7 described in subparagraph (A);

8 (2) is or contains any individual magnet that
 9 fits completely within the small parts cylinder de-
 10 scribed in section 1501.4 of title 16, Code of Federal
 11 Regulations; and

12 (3) is or contains any individual magnet with a
 13 flux index of 50 kG² mm² or greater.

14 **SEC. 4. CONSUMER PRODUCT SAFETY STANDARD FOR**
 15 **OTHER SMALL, HIGH-POWERED MAGNETS.**

16 (a) FINAL STANDARD FOR OTHER SMALL, HIGH-
 17 POWERED MAGNETS.—Not later than 12 months after
 18 the date of enactment of this Act, the Consumer Product
 19 Safety Commission shall promulgate, in accordance with
 20 section 553 of title 5, United States Code, a final con-
 21 sumer product safety standard for other small, high-pow-
 22 ered magnets if the Commission determines that a con-
 23 sumer product safety standard is reasonably necessary to
 24 protect children from death or injury related to such
 25 magnets. The determination made by the Commission

1 under this subsection shall be made not later than 3
2 months after the date of the enactment of this Act and
3 shall be published in the Federal Register.

4 (b) FUTURE RULEMAKING.—At any time after 12
5 months after the date of enactment of this Act, the Con-
6 sumer Product Safety Commission may promulgate, in ac-
7 cordance with section 553 of title 5, United States Code,
8 a final product safety standard for other small, high-pow-
9 ered magnets.

10 (c) OTHER SMALL, HIGH-POWERED MAGNETS DE-
11 FINED.—In this section, the term “other small, high-pow-
12 ered magnets” means any individual or set of separable
13 magnets that—

14 (1) is—

15 (A) a consumer product (as defined in sec-
16 tion 3 of the Consumer Product Safety Act (15
17 U.S.C. 2052)) that is—

18 (i) designed, marketed, or intended to
19 be used for entertainment, jewelry (includ-
20 ing children’s jewelry), mental stimulation,
21 stress relief, or a combination of these;

22 (ii) not a toy subject to ASTM F963
23 (or any successor standard); and

1 (iii) not children's jewelry that is sub-
2 ject to ASTM F2923 (or any successor
3 standard); or

4 (B) a component of a consumer product
5 described in subparagraph (A);

6 (2) is or contains any individual magnet that
7 fits completely within the small parts cylinder de-
8 scribed in section 1501.4 of title 16, Code of Federal
9 Regulations; and

10 (3) is or contains any individual magnet with a
11 flux index of greater than $\text{kG}^2 \text{ mm}^2$ and less than
12 or equal to $50 \text{ kG}^2 \text{ mm}^2$.

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