

118TH CONGRESS  
2D SESSION

# H. R. 10259

To direct the Consumer Product Safety Commission to promulgate a consumer product safety standard for certain gates, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 26, 2024

Mr. HUFFMAN (for himself and Mr. CURTIS) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Consumer Product Safety Commission to promulgate a consumer product safety standard for certain gates, 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 “Alex Gate Safety Act  
5 of 2024”.

6 **SEC. 2. CONSUMER PRODUCT SAFETY STANDARD FOR COV-**  
7 **ERED GATES.**

8 (a) STANDARD REQUIRED.—

9 (1) IN GENERAL.—Not later than 1 year after  
10 the date of the enactment of this Act, the Commis-

1 sion shall promulgate, in accordance with section  
2 553 of title 5, United States Code, a final consumer  
3 product safety standard for covered gates that in-  
4 cludes the requirements described in paragraph (2).

5 (2) REQUIREMENTS DESCRIBED.—The require-  
6 ments described in this paragraph for a covered gate  
7 are the following:

8 (A) The covered gate meets the safety-re-  
9 lated standards of ASTM F900–24, ASTM  
10 F1184–23e1, or ASTM F2200–24, as applica-  
11 ble to the relevant category of covered gate.

12 (B) The covered gate does not fall more  
13 than 45 degrees from the vertical plane when  
14 the gate is detached from the supporting hard-  
15 ware.

16 (C) The covered gate is balanced and does  
17 not move under its own weight.

18 (D) The covered gate has positive stops.

19 (E) The manufacturer of the covered gate  
20 provides consumers with specified notification  
21 concerning the installation, operation, and  
22 maintenance of the gate, including the best  
23 technical and performance information related  
24 to the safety of the gate and assembly and in-  
25 stallation instructions that clearly outline the

1 proper procedure for all required assembly and  
2 proper installation and tuning of the gate.

3 (F) If the covered gate has rolling wheels  
4 that are easily accessible by consumers, such  
5 wheels are guarded or covered.

6 (G) If the covered gate has an operator or  
7 similar system, the gate meets the safety-re-  
8 lated standards of ANSI/CAN/UL 325.

9 (3) CPSC DETERMINATION OF SCOPE.—In pro-  
10 mulgating a consumer product safety standard  
11 under paragraph (1), the Commission shall deter-  
12 mine the types of covered gates that are subject to  
13 the standard and ensure that such covered gates are  
14 within the jurisdiction of the Commission.

15 (b) REVISION OF VOLUNTARY STANDARDS.—If an  
16 organization revises a voluntary standard that has been  
17 adopted, in whole or in part, as a consumer product safety  
18 standard under this section, the organization shall notify  
19 the Commission of the revision. The revised voluntary  
20 standard shall be considered to be adopted by the Commis-  
21 sion, effective on the date that is 180 days after the date  
22 on which the organization notifies the Commission of the  
23 revision (or such later date specified by the Commission  
24 in the Federal Register) unless, not later than 90 days  
25 after the date on which the organization notifies the Com-

1 mission of the revision, the Commission notifies the orga-  
2 nization that the Commission has determined that the re-  
3 vision does not improve the safety of the covered gates  
4 to which the standard applies and that the Commission  
5 is retaining the existing consumer product safety stand-  
6 ard. Not later than 90 days before the date on which a  
7 revised voluntary standard is considered to be adopted by  
8 the Commission under this subsection, the Commission  
9 shall publish in the Federal Register notice that such re-  
10 vised voluntary standard will be considered to be so adopt-  
11 ed on such date.

12 (c) FUTURE RULEMAKING.—At any time after the  
13 promulgation of a consumer product safety standard  
14 under subsection (a), the Commission may initiate a rule-  
15 making, in accordance with section 553 of title 5, United  
16 States Code, to modify such standard, if the Commission  
17 determines that a modification would further reduce the  
18 risk of injury associated with covered gates.

19 (d) TREATMENT OF STANDARDS.—Any consumer  
20 product safety standard promulgated under subsection (a)  
21 (including any modification of such standard under sub-  
22 section (c)) or revised voluntary standard considered to  
23 be adopted by the Commission under subsection (b) shall  
24 be treated as a consumer product safety rule promulgated

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

3 **SEC. 3. EDUCATION AND AWARENESS CAMPAIGN.**

4 (a) IN GENERAL.—Not later than 2 years after the  
5 date of the enactment of this Act, the Commission shall  
6 undertake a national campaign to promote awareness and  
7 educate the public about the dangers associated with cov-  
8 ered gates, including the dangers of detached or falling  
9 covered gates, and methods (including low-cost methods)  
10 to prevent covered gates from causing death or injury, in-  
11 cluding safety standards relating to covered gates and best  
12 practices for design, installation, inspection, maintenance,  
13 and improvement of covered gates.

14 (b) REQUIREMENTS.—In carrying out the campaign  
15 required by subsection (a), the Commission shall employ,  
16 at a minimum, the following:

17 (1) Educational materials designed for covered  
18 gate manufacturers, contractors, retailers, and serv-  
19 ice companies.

20 (2) Educational materials designed for con-  
21 sumers, owners, and operators of covered gates.

22 (3) Educational materials designed for building  
23 officials and local educational agencies to support  
24 the updating and enforcement of building codes for

1 new and existing buildings with respect to the safety  
2 of covered gates.

3 (c) REPORT TO CONGRESS.—Not later than 3 years  
4 after the date of the enactment of this Act, the Commis-  
5 sion shall submit to Congress a report that contains a  
6 summary of actions taken by the Commission in the cam-  
7 paign required by subsection (a).

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) BUILDING OFFICIAL.—The term “building  
11 official” means any State, Tribal, territorial, or local  
12 official who is responsible for proposing modifica-  
13 tions to building codes, participating in adopting  
14 building codes, interpreting building code require-  
15 ments, overseeing building code enforcement activi-  
16 ties, or otherwise administering building codes.

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

19 (3) COVERED GATE.—The term “covered gate”  
20 means—

21 (A) an automatic vehicular gate;

22 (B) a manual vehicular gate; and

23 (C) any other gate that is more than 48  
24 inches wide or more than 84 inches high.

1           (4) LOCAL EDUCATIONAL AGENCY.—The term  
2           “local educational agency” has the meaning given  
3           such term in section 8101 of the Elementary and  
4           Secondary Education Act of 1965 (20 U.S.C. 7801).

5           (5) MANUFACTURER.—The term “manufac-  
6           turer” has the meaning given such term in section  
7           3(a) of the Consumer Product Safety Act (15 U.S.C.  
8           2052(a)).

9           (6) POSITIVE STOPS.—The term “positive  
10          stops” means an immovable component that, by the  
11          placement of the component, physically impedes the  
12          motion of a covered gate.

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