

108TH CONGRESS  
2D SESSION

# H. R. 5091

To provide a technical correction to the Federal preemption of State or local laws concerning the markings and identification of imitation or toy firearms entering into interstate commerce.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2004

Mr. DAVIS of Illinois (for himself, Mr. ISSA, Mr. JACKSON of Illinois, and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide a technical correction to the Federal preemption of State or local laws concerning the markings and identification of imitation or toy firearms entering into interstate commerce.

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 “Toy Gun Marking Im-

5       provement Act”.

1 **SEC. 2. PREEMPTION OF STATE OR LOCAL LAWS CON-**  
2 **CERNING THE MARKINGS AND IDENTIFICA-**  
3 **TION OF IMITATION OR TOY FIREARMS.**

4 Section 4 of the Federal Energy Management Im-  
5 provement Act of 1988 (15 U.S.C. 5001) is amended—

6 (1) in subsection (c), by adding at the end:

7 “Such term does include any toy replica of an an-  
8 tique firearm developed prior to 1898.”; and

9 (2) in subsection (g), by amending paragraph  
10 (1) to read as follows:

11 “(1) prohibit the sale or manufacture of any  
12 look-alike, nonfiring, toy or collector replica of an  
13 antique firearm developed prior to 1898; or”.

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