

110TH CONGRESS
2D SESSION

H. R. 5471

To require the Consumer Product Safety Commission to prescribe rules requiring distinctive markings on toy and look-alike firearms.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2008

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

A BILL

To require the Consumer Product Safety Commission to prescribe rules requiring distinctive markings on toy and look-alike firearms.

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. MANDATORY STANDARD FOR THE MARKING OF**
4 **IMITATION FIREARMS OR TOY FIREARMS.**

5 (a) SAFETY STANDARD.—Not later than 1 year after
6 the date of enactment of this Act, the Consumer Product
7 Safety Commission shall promulgate a final consumer
8 product safety rule that provides for a distinctive marking
9 or device for any toy, look-alike, or imitation firearm to
10 distinguish the look-alike firearm from a firearm. The

1 Commission may waive the requirement of any such mark-
2 ing or device for any toy, look-alike, or imitation firearm
3 that will only be used in the theatrical, movie, or television
4 industry.

5 (b) LOOK-ALIKE FIREARM DEFINED.—For purposes
6 of this section, the term “look-alike firearm” means any
7 imitation of any original firearm which was manufactured,
8 designed, and produced since 1898, including toy guns,
9 water guns, replica nonguns, and air-soft guns firing non-
10 metallic projectiles. Such term does not include any look-
11 alike, nonfiring, collector replica of an antique firearm de-
12 veloped prior to 1898, or traditional BB, paint-ball, or pel-
13 let-firing air guns that expel a projectile through the force
14 of air pressure.

15 (c) PREEMPTION OF STATE OR LOCAL LAWS OR OR-
16 DINANCES.—

17 (1) IN GENERAL.—The provisions of this sec-
18 tion shall supersede any provision of State or local
19 law or ordinance relating to markings, identification,
20 or sale of toy, look-alike, and imitation firearms. No
21 State or political subdivision shall—

22 (A) prohibit the sale or manufacturer of
23 any look-alike, nonfiring to or collector replica
24 of an antique firearm developed prior to 1898;
25 or

1 (B) prohibit the sale (other than prohib-
2 iting the sale to minors) of traditional BB,
3 paint ball, or pellet-firing air guns that expel a
4 projectile through the force of air pressure

5 (2) LIMITATION.—This subsection shall not
6 apply to any provision of State or local law enacted
7 prior to January 30, 1955, or any subsequent
8 amendments enacted thereto, that prohibits the sale
9 of any toy or imitation firearm that can reasonably
10 be perceived to be an actual firearm unless the exte-
11 rior surface of the toy or imitation firearm is pre-
12 dominantly brightly colored.

13 (d) EFFECT ON OTHER LAWS.—This Act shall super-
14 sede the provisions of section 4 of the Federal Energy
15 Management Improvement Act of 1988 (15 U.S.C. 5001)
16 at such time as the Commission promulgates a final rule
17 pursuant to subsection (a).

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