

the product safety standard under paragraph (2). Judicial review of any amendment of the standard under paragraph (2) shall be in accordance with chapter 7 of title 5.

(c) Requirements for 3-wheeled all-terrain vehicles

Until a mandatory consumer product safety standard applicable to 3-wheeled all-terrain vehicles promulgated pursuant to this chapter is in effect, new 3-wheeled all-terrain vehicles may not be imported into or distributed in commerce in the United States. Any violation of this subsection shall be considered to be a violation of section 2068(a)(1) of this title and may also be enforced under section 2066 of this title.

(d) Further proceedings

(1) Deadline

The Commission shall issue a final rule in its proceeding entitled “Standards for All Terrain Vehicles and Ban of Three-wheeled All Terrain Vehicles”.

(2) Categories of youth ATVs

In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, may provide for a multiple factor method of categorization that, at a minimum, takes into account—

- (A) the weight of the ATV;
- (B) the maximum speed of the ATV;
- (C) the velocity at which an ATV of a given weight is traveling at the maximum speed of the ATV;
- (D) the age of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV; and
- (E) the average weight of children for whose operation the ATV is designed or who may reasonably be expected to operate the ATV.

(3) Additional safety standards

In the final rule, the Commission, in consultation with the National Highway Traffic Safety Administration, shall review the standard published under subsection (a)(1) and establish additional safety standards for all-terrain vehicles to the extent necessary to protect the public health and safety. As part of its review, the Commission shall consider, at a minimum, establishing or strengthening standards on—

- (A) suspension;
- (B) brake performance;
- (C) speed governors;
- (D) warning labels;
- (E) marketing; and
- (F) dynamic stability.

(e) Definitions

In this section:

(1) All-terrain vehicle or ATV

The term “all-terrain vehicle” or “ATV” means—

- (A) any motorized, off-highway vehicle designed to travel on 3 or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control; but
- (B) does not include a prototype of a motorized, off-highway, all-terrain vehicle or

other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

(2) ATV action plan

The term “ATV action plan” means a written plan or letter of undertaking that describes actions the manufacturer or distributor agrees to take to promote ATV safety, including rider training, dissemination of safety information, age recommendations, other policies governing marketing and sale of the ATVs, the monitoring of such sales, and other safety related measures, and that is substantially similar to the plans described under the heading “The Undertakings of the Companies in the Commission Notice” published in the Federal Register on September 9, 1998 (63 FR 48199–48204).

(Pub. L. 92–573, §42, as added Pub. L. 110–314, title II, §232(a), Aug. 14, 2008, 122 Stat. 3071.)

Editorial Notes

CODIFICATION

August 14, 2008, referred to in subsec. (a)(2)(B), was in the original “the date of enactment of the Act” and was translated as reading “the date of enactment of the Consumer Product Safety Improvement Act of 2008”, which enacted this section, to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subsec. (c) of this section effective on the date that is 30 days after Aug. 14, 2008, see section 239(a) of Pub. L. 110–314, set out as an Effective Date of 2008 Amendment note under section 2051 of this title.

DEADLINE FOR RULE BY CONSUMER PRODUCT SAFETY COMMISSION ON STANDARDS FOR ALL TERRAIN VEHICLES

Pub. L. 112–28, §9, Aug. 12, 2011, 125 Stat. 282, provided that: “The Commission shall issue the final rule described in section 42(d) of the Consumer Product Safety Act (15 U.S.C. 2089(d)) not later than 1 year after the date of enactment of this Act [Aug. 12, 2011].”

§ 2090. Grant program for carbon monoxide poisoning prevention

(a) In general

Subject to the availability of appropriations authorized under subsection (f), the Commission shall establish a grant program to provide assistance to States and Tribal organizations that are eligible under subsection (b) to carry out the carbon monoxide poisoning prevention activities described in subsection (e).

(b) Eligibility

For the purposes of this section, an eligible State or Tribal organization is any State or Tribal organization that—

- (1) demonstrates to the satisfaction of the Commission that the State or Tribal organization has adopted a statute or a rule, regulation, or similar measure with the force and effect of law, requiring compliant carbon monoxide alarms to be installed in dwelling units in accordance with NFPA 72, the IFC, or the IRC; and

(2) submits an application—

(A) to the Commission at such time, in such form, and containing such additional information as the Commission may require; and

(B) that may be filed on behalf of the State or Tribal organization by the fire safety code enforcement agency of that State or Tribal organization.

(c) Grant amount

The Commission shall determine the amount of each grant awarded under this section.

(d) Selection of grant recipients

In selecting eligible States and Tribal organizations for the award of grants under this section, the Commission shall give favorable consideration to an eligible State or Tribal organization that demonstrates a reasonable need for funding under this section and that—

(1) requires the installation of one or more compliant carbon monoxide alarms in a new or existing educational facility, childcare facility, health care facility, adult dependent care facility, government building, restaurant, theater, lodging establishment, or dwelling unit—

(A) within which a fuel-burning appliance, including a furnace, boiler, water heater, fireplace, or any other apparatus, appliance, or device that burns fuel, is installed; or

(B) that has an attached garage; and

(2) has developed a strategy to protect vulnerable populations, such as children, the elderly, or low-income households, from exposure to unhealthy levels of carbon monoxide.

(e) Use of grant funds

(1) In general

Subject to paragraph (2), an eligible State or Tribal organization to which a grant is awarded under this section may use the grant—

(A) to purchase and install compliant carbon monoxide alarms in the dwelling units of low-income families or elderly individuals, facilities that commonly serve children or the elderly (including childcare facilities, public schools, and senior centers);

(B) for the development and dissemination of training materials, instructors, and any other costs relating to the training sessions authorized under this subsection; or

(C) to educate the public about—

(i) the risk associated with carbon monoxide as a poison; and

(ii) the importance of proper carbon monoxide alarm use.

(2) Limitations

(A) Administrative costs

An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 5 percent of the grant amount to cover administrative costs that are not directly related to training described in paragraph (1)(B).

(B) Public outreach

An eligible State or Tribal organization to which a grant is awarded under this section may use not more than 25 percent of the grant amount to cover the costs of activities described in paragraph (1)(C).

(C) State contributions

An eligible State to which a grant is awarded under this section shall, with respect to the costs incurred by the State in carrying out activities under the grant, provide non-Federal contributions in an amount equal to not less than 25 percent of the amount of Federal funds provided under the grant to administer the program. This subparagraph shall not apply to Tribal organizations.

(f) Funding

(1) In general

The Commission shall carry out this title¹ using amounts appropriated to the Commission for each of fiscal years 2022 through 2026, to extent such funds are available.

(2) Limitation on administrative expenses

In a fiscal year, not more than 10 percent of the amounts appropriated or otherwise made available to carry out this title¹ may be used for administrative expenses.

(g) Report

Not later than 1 year after the last day of each fiscal year in which grants are awarded under this section, the Commission shall submit to Congress a report that evaluates the implementation of the grant program required under this section.

(Pub. L. 117-103, div. Q, title II, §204, Mar. 15, 2022, 136 Stat. 814.)

Editorial Notes

REFERENCES IN TEXT

This title, referred to in subsec. (f), is title II of div. Q of Pub. L. 117-103, which enacted this section and provisions set out as notes under this section and section 2051 of this title.

CODIFICATION

Section was enacted as part of the Nicholas and Zachary Burt Memorial Carbon Monoxide Poisoning Prevention Act of 2022 and also as part of the Consolidated Appropriations Act, 2022, and not as part of the Consumer Product Safety Act which comprises this chapter.

Statutory Notes and Related Subsidiaries

FINDINGS AND SENSE OF CONGRESS

Pub. L. 117-103, div. Q, title II, §202, Mar. 15, 2022, 136 Stat. 813, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) Carbon monoxide is a colorless, odorless gas produced by burning any fuel. Exposure to unhealthy levels of carbon monoxide can lead to carbon monoxide poisoning, a serious health condition that could result in death.

“(2) Unintentional carbon monoxide poisoning from motor vehicles and improper operation of fuel-burning appliances, such as furnaces, water heaters, portable generators, and stoves, annually kills more than 400 individuals and sends approximately 15,000 individuals to hospital emergency rooms for treatment.

“(3) Research shows that installing carbon monoxide alarms close to the sleeping areas in residential homes and other dwelling units can help avoid fatalities.

¹ See References in Text note below.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should promote the installation of carbon monoxide alarms in residential homes and dwelling units across the United States in order to promote the health and public safety of citizens throughout the United States.”

DEFINITIONS

Pub. L. 117–103, div. Q, title II, §203, Mar. 15, 2022, 136 Stat. 813, provided that: “In this title [enacting this section and provisions set out as notes under this section and section 2051 of this title]:

“(1) CARBON MONOXIDE ALARM.—The term ‘carbon monoxide alarm’ means a device or system that—

“(A) detects carbon monoxide; and

“(B) is intended to sound an alarm at a carbon monoxide concentration below a concentration that could cause a loss of the ability to react to the dangers of carbon monoxide exposure.

“(2) COMMISSION.—The term ‘Commission’ means the Consumer Product Safety Commission.

“(3) COMPLIANT CARBON MONOXIDE ALARM.—The term ‘compliant carbon monoxide alarm’ means a carbon monoxide alarm that complies with the most current version of—

“(A) the Standard for Single and Multiple Station Carbon Monoxide Alarms of the American National Standards Institute and UL (ANSI/UL 2034), or any successor standard; and

“(B) the Standard for Gas and Vapor Detectors and Sensors of the American National Standards Institute and UL (ANSI/UL 2075), or any successor standard.

“(4) DWELLING UNIT.—The term ‘dwelling unit’—

“(A) means a room or suite of rooms used for human habitation; and

“(B) includes—

“(i) a single family residence;

“(ii) each living unit of a multiple family residence, including an apartment building; and

“(iii) each living unit in a mixed use building.

“(5) FIRE CODE ENFORCEMENT OFFICIALS.—The term ‘fire code enforcement officials’ means officials of the fire safety code enforcement agency of a State or local government or a Tribal organization.

“(6) INTERNATIONAL FIRE CODE.—The term ‘IFC’ means—

“(A) the 2015 or 2018 edition of the International Fire Code published by the International Code Council; or

“(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

“(7) INTERNATIONAL RESIDENTIAL CODE.—The term ‘IRC’ means—

“(A) the 2015 or 2018 edition of the International Residential Code published by the International Code Council; or

“(B) any amended or similar successor code pertaining to the proper installation of carbon monoxide alarms in dwelling units.

“(8) NFPA 720.—The term ‘NFPA 720’ means—

“(A) the Standard for the Installation of Carbon Monoxide Detection and Warning Equipment issued by the National Fire Protection Association in 2012; and

“(B) any amended or similar successor standard relating to the proper installation of carbon monoxide alarms in dwelling units.

“(9) STATE.—The term ‘State’—

“(A) has the meaning given the term in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)); and

“(B) includes—

“(i) the Commonwealth of the Northern Mariana Islands; and

“(ii) any political subdivision of a State.

“(10) TRIBAL ORGANIZATION.—The term ‘Tribal organization’ has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(l)).”

CHAPTER 48—HOBBY PROTECTION

Sec.	
2101.	Marking requirements.
2102.	Private enforcement.
2103.	Enforcement by Federal Trade Commission.
2104.	Imports.
2105.	Application of other laws.
2106.	Definitions.

§ 2101. Marking requirements

(a) Political items

The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce of any imitation political item which is not plainly and permanently marked with the calendar year in which such item was manufactured, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(b) Coins and other numismatic items

The manufacture in the United States, or the importation into the United States, for introduction into or distribution in commerce, or the sale in commerce of any imitation numismatic item which is not plainly and permanently marked “copy”, is unlawful and is an unfair or deceptive act or practice in commerce under the Federal Trade Commission Act [15 U.S.C. 41 et seq.].

(c) Rules and regulations

The Federal Trade Commission shall prescribe rules for determining the manner and form in which items described in subsection (a) or (b) shall be permanently marked.

(d) Provision of assistance or support

It shall be a violation of subsection (a) or (b) for a person to provide substantial assistance or support to any manufacturer, importer, or seller if that person knows or should have known that the manufacturer, importer, or seller is engaged in any act or practice that violates subsection (a) or (b).

(e) Exemption

Subsections (a)¹ (b), and (d), and regulations under subsection (c), shall not apply to any common carrier or contract carrier or freight forwarder with respect to an imitation political item or imitation numismatic item received, shipped, delivered, or handled by it for shipment in the ordinary course of its business.

(Pub. L. 93–167, §2, Nov. 29, 1973, 87 Stat. 686; Pub. L. 113–288, §2(1), Dec. 19, 2014, 128 Stat. 3281.)

Editorial Notes

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsecs. (a) and (b), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

AMENDMENTS

2014—Subsec. (b). Pub. L. 113–288, §2(1)(A), inserted “, or the sale in commerce” after “distribution in commerce”.

¹ So in original. Probably should be followed by a comma.