

107TH CONGRESS
1ST SESSION

H. R. 1014

To prevent children from injuring themselves with handguns.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2001

Ms. CARSON of Indiana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent children from injuring themselves with handguns.

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 “Child Handgun Injury
5 Prevention Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) In the 10 years from 1987 through 1996,
9 nearly 2,200 children in the United States who were
10 14 years of age or younger died from unintentional

1 shootings, and in 1996 alone, 138 children were shot
2 and killed unintentionally, which is an average of 11
3 children every month, or 1 child every third day, ac-
4 cording to the National Center for Health Statistics.

5 (2) The United States leads the industrialized
6 world in the rates of children lost to unintentional
7 firearms-related deaths. A 1997 study from the Cen-
8 ters for Disease Control and Prevention found that
9 for unintentional firearms-related deaths for children
10 under the age of 15, the rate in the United States
11 was 9 times greater than in 25 other industrialized
12 countries combined.

13 (3) While the number of unintentional deaths
14 from firearms is an unacceptable toll on the children
15 of the United States, nearly 8 times that number are
16 treated annually in hospital emergency rooms in the
17 United States for nonfatal unintentional gunshot
18 wounds, according to an article in the June 12,
19 1996, issue of the Journal of the American Medical
20 Association.

21 (4) In the June 12, 1987, issue of the Journal
22 of the American Medical Association, a study of un-
23 intentional firearms deaths among children in Cali-
24 fornia found that unintentional gunshot wounds
25 most often involve handguns.

1 (5) A study in the December 1995 issue of the
2 Archives of Pediatric and Adolescent Medicine found
3 that children as young as 3 years old are strong
4 enough to fire most commercially available hand-
5 guns. The study found that 25 percent of 3- to 4-
6 year-olds and 70 percent of 5- to 6-year-olds had
7 sufficient finger strength to fire 59 (or 92 percent)
8 of the 64 commonly available handguns examined in
9 the study.

10 (6) Currently, firearms are the only products
11 manufactured in the United States that are not sub-
12 ject to minimum safety standards.

13 (7) A 1997 public opinion poll conducted by the
14 National Opinion Research Center at the University
15 of Chicago in conjunction with the Johns Hopkins
16 Center for Gun Policy and Research found that 74
17 percent of the people of the United States support
18 safety regulation of the firearms industry.

19 (8) Firearms, their component parts, and safety
20 locks designed to prevent firearms from accidentally
21 discharging, all move in interstate commerce.

22 (9) Many currently available trigger locks and
23 other similar devices are inadequate to prevent the
24 accidental discharge of the firearms to which they

1 are attached, or to prevent children from gaining ac-
2 cess to the firearms.

3 **SEC. 3. REGULATION OF HANDGUN DISCHARGE PROTEC-**
4 **TION PRODUCTS.**

5 (a) GENERAL AUTHORITY.—The Secretary of the
6 Treasury (in this Act referred to as the “Secretary”) shall
7 prescribe such regulations governing the design, manufac-
8 ture, and performance of, and commerce in, handgun dis-
9 charge protection products, as are necessary to reduce or
10 prevent unreasonable risk of injury to children from the
11 unintentional discharge of handguns.

12 (b) MINIMUM SAFETY STANDARD.—The regulations
13 required by subsection (a) shall, at a minimum, set forth
14 a minimum safety standard that a handgun discharge pro-
15 tection product must meet in order to be manufactured,
16 sold, transferred, or delivered consistent with this Act. In
17 developing the standard, the Secretary shall give appro-
18 priate consideration to handgun discharge protection
19 products that are not detachable, but are permanently in-
20 stalled and incorporated into the design of a handgun. The
21 standard shall include provisions to ensure that any hand-
22 gun discharge protection product that meets the standard
23 is of adequate quality and construction to prevent children
24 from operating a handgun, and to ensure that such a
25 product cannot be removed from a handgun except

1 through the use of a key, combination, or other method
2 of access made possible by the manufacturer of the prod-
3 uct.

4 (c) USE OF POISON PACKAGING PREVENTION
5 STANDARDS TEST PROTOCOLS.—In developing the stand-
6 ard required by subsection (b), the Secretary shall con-
7 sider using test protocols described in section 1700.20 of
8 title 16, Code of Federal Regulations, (in effect as of Jan-
9 uary 1, 1998), related to poison prevention packaging
10 standards.

11 (d) DEADLINE FOR ISSUANCE OF STANDARD.—With-
12 in 12 months after the date of the enactment of this Act,
13 the Secretary shall issue in final form the standard re-
14 quired by subsection (b).

15 (e) EFFECTIVE DATE OF STANDARD.—The standard
16 issued under subsection (b) shall take effect 6 months
17 after the date of issuance.

18 **SEC. 4. ORDERS; INSPECTIONS.**

19 (a) IN GENERAL.—The Secretary may issue an order
20 prohibiting the manufacture, sale, transfer, or delivery of
21 a handgun discharge protection product which the Sec-
22 retary finds has been designed, or has been or is intended
23 to be manufactured, transferred, or distributed in violation
24 of this Act or a regulation prescribed under this Act.

1 (b) AUTHORITY TO REQUIRE THE RECALL, REPAIR,
2 OR REPLACEMENT OF, OR THE PROVISION OF RE-
3 FUNDS.—The Secretary may issue an order requiring the
4 manufacturer of, and any dealer in, a handgun discharge
5 protection product which the Secretary finds has been de-
6 signed, manufactured, transferred, or delivered in viola-
7 tion of this Act or a regulation prescribed under this Act,
8 to—

9 (1) provide notice of the risks associated with
10 the product, and of how to avoid or reduce the risks,
11 to—

12 (A) the public;

13 (B) in the case of the manufacturer of the
14 product, each dealer in the product; and

15 (C) in the case of a dealer in the product,
16 the manufacturer of the product and the other
17 persons known to the dealer as dealers in the
18 product;

19 (2) bring the product into conformity with the
20 regulations prescribed under this Act;

21 (3) repair the product;

22 (4) replace the product with a like or equivalent
23 product which is in compliance with such regula-
24 tions;

1 (5) refund the purchase price of the product,
2 or, if the product is more than 1 year old, a lesser
3 amount based on the value of the product after rea-
4 sonable use;

5 (6) recall the product from the stream of com-
6 merce; or

7 (7) submit to the Secretary a satisfactory plan
8 for implementation of any action required under this
9 subsection.

10 (c) INSPECTIONS.—In order to ascertain compliance
11 with this Act and the regulations and orders issued under
12 this Act, the Secretary may, at reasonable times—

13 (1) enter any place in which handgun discharge
14 protection products are manufactured, stored, or
15 held, for distribution in commerce, and inspect those
16 areas where the products are manufactured, stored,
17 or held; and

18 (2) enter and inspect any conveyance being
19 used to transport for commercial purposes a hand-
20 gun discharge protection product.

21 **SEC. 5. UNLAWFUL ACTS.**

22 (a) IN GENERAL.—Beginning 30 days after a final
23 standard issued under section 3(b) takes effect, it shall
24 be unlawful—

1 (1) for any licensed manufacturer or licensed
2 importer to sell, transfer, or deliver to any person
3 any handgun without a handgun discharge protec-
4 tion product that meets the standard; and

5 (2) for any licensed dealer to sell, transfer, or
6 deliver to any person any handgun without the
7 handgun discharge protection product supplied to
8 the dealer by the licensed manufacturer or importer.

9 (b) EXCEPTION.—Subsection (a) shall not apply to
10 the sale, transfer, or delivery of a handgun to a depart-
11 ment or agency of the Federal Government or of any State
12 government or political subdivision of a State.

13 **SEC. 6. WARNING LABELS FOR HANDGUNS.**

14 (a) INCLUSION OF WARNING LABELS IN HANDGUN
15 PACKAGING.—

16 (1) IN GENERAL.—A licensed manufacturer, li-
17 censed importer, or licensed dealer shall not sell,
18 transfer, or deliver a handgun with accompanying
19 packaging or other descriptive materials, unless the
20 warning label described in paragraph (2) is dis-
21 played on the principal display panel of the pack-
22 aging and on the materials.

23 (2) WARNING LABEL.—

24 (A) CONTENT.—The warning label re-
25 ferred to in paragraph (1) is a label that, in

1 conspicuous and legible type, contains the fol-
2 lowing statement:



3 **“Children are attracted to and can oper-**
4 **ate handguns, which can cause severe inju-**
5 **ries or death.**

6 **“Prevent child access by always keeping**
7 **handguns locked away and unloaded.”.**

8 (B) APPEARANCE.—The statement re-
9 quired by subparagraph (A) shall, by typog-
10 raphy, layout, or color, be in contrast with
11 other printed matter on the package or descrip-
12 tive materials, in a manner similar to that de-
13 scribed in section 1500.121 of title 16, Code of
14 Federal Regulations (in effect as of January 1,
15 1998).

16 (b) AFFIXATION OF WARNING LABEL TO HANDGUN
17 TRANSFERRED WITHOUT PACKAGING.—A licensed manu-
18 facturer, licensed importer, or licensed dealer shall not
19 sell, transfer, or deliver a handgun without accompanying
20 packaging or other descriptive materials, unless the label
21 described in subsection (a)(2)(A) is affixed to the handgun
22 by a method to be prescribed by rule by the Secretary.

1 (c) EFFECTIVE DATE.—This section shall take effect
2 60 days after the date of the enactment of this Act.

3 **SEC. 7. REPORTING REQUIREMENTS.**

4 Each licensed manufacturer, licensed importer, and
5 licensed dealer shall report to the Secretary any informa-
6 tion obtained by the manufacturer, importer, or dealer
7 which reasonably supports the conclusion that—

8 (1) a child has suffered an unintentional or
9 self-inflicted gunshot wound inflicted through the
10 use of a handgun that was sold, transferred, or de-
11 livered by the manufacturer, importer, or dealer
12 after the effective date of this Act; and

13 (2) as a result, the individual died, suffered se-
14 rious injury, or was treated for an injury by a med-
15 ical professional.

16 **SEC. 8. ENFORCEMENT.**

17 (a) CIVIL PENALTIES.—The Secretary may assess a
18 civil money penalty not to exceed \$10,000 for each viola-
19 tion of this Act.

20 (b) REVOCATION OF FEDERAL FIREARMS LI-
21 CENSE.—Section 923(e) of title 18, United States Code,
22 is amended by inserting after the 2nd sentence the fol-
23 lowing: “The Secretary may, after notice and opportunity
24 for hearing, revoke any license issued under this section
25 if the holder of the license violates any provision of the

1 Child Handgun Injury Prevention Act or any rule or regu-
2 lation prescribed under such Act.”.

3 (c) PRIVATE CAUSE OF ACTION.—

4 (1) IN GENERAL.—Any person aggrieved by any
5 violation of this Act or of any regulation prescribed
6 or order issued under this Act by another person
7 may bring an action against such other person in
8 any United States district court for damages, includ-
9 ing consequential damages. In any action under this
10 subsection, the court, in its discretion, may award to
11 a prevailing plaintiff a reasonable attorney’s fee as
12 part of the costs.

13 (2) RULE OF INTERPRETATION.—The remedy
14 provided for in paragraph (1) shall be in addition to
15 any other remedy provided by common law or under
16 Federal or State law.

17 (d) PRIVATE ENFORCEMENT OF THIS ACT.—Any in-
18 terested person may bring an action in any United States
19 district court to enforce this Act, or restrain any violation
20 of this Act or of any regulation prescribed or order issued
21 under this Act. In any action under this subsection, the
22 court, in its discretion, may award to a prevailing plaintiff
23 a reasonable attorney’s fee as part of the costs.

24 (e) EFFECT ON PRIVATE REMEDIES.—

1 (1) IRRELEVANCY OF COMPLIANCE WITH THIS
2 ACT.—Compliance with this Act or any order issued
3 or regulation prescribed under this Act shall not re-
4 lieve any person from liability to any person under
5 common law or State statutory law.

6 (2) IRRELEVANCY OF FAILURE TO TAKE AC-
7 TION UNDER THIS ACT.—The failure of the Sec-
8 retary to take any action authorized under this Act
9 shall not be admissible in litigation relating to the
10 product under common law or State statutory law.

11 (f) CRIMINAL PENALTIES.—Any person who has re-
12 ceived from the Secretary a notice that the person has vio-
13 lated a provision of this Act or of a regulation prescribed
14 under this Act with respect to a handgun discharge protec-
15 tion product, and who subsequently knowingly violates
16 such provision with respect to the product shall be fined
17 under title 18, United States Code, imprisoned not more
18 than 2 years, or both.

19 **SEC. 9. NO EFFECT ON STATE LAW.**

20 This Act does not annul, alter, impair, or affect, or
21 exempt any person subject to the provisions of this Act
22 from complying with, any provision of the law of any State
23 or any political subdivision thereof, except to the extent
24 that such provisions of State law are inconsistent with any
25 provision of this Act, and then only to the extent of the

1 inconsistency. A provision of State law is not inconsistent
2 with this Act if such provision affords greater protection
3 to children in respect of handguns than is afforded by this
4 Act.

5 **SEC. 10. DEFINITIONS.**

6 In this Act:

7 (1) The term “handgun discharge protection
8 product” means any device (including a handgun)
9 that is designed, manufactured, or represented in
10 commerce, as useful in protecting children from in-
11 jury from the unintentional discharge of a handgun.

12 (2) The term “children” means individuals who
13 have not attained 18 years of age.

14 (3) The terms “licensed importer”, “licensed
15 manufacturer”, “licensed dealer”, “Secretary”, and
16 “handgun” have the meanings given in paragraphs
17 (9), (10), (11), (18), and (29), respectively, of sec-
18 tion 921(a) of title 18, United States Code.

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