

114TH CONGRESS
1ST SESSION

H. R. 3224

To regulate the sale of cases and covers that resemble firearms, to amend the Consumer Product Safety Improvement Act of 2008 with respect to the regulation of toy, look-alike, and imitation firearms, and to provide penalties for a violation of such regulations.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2015

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

A BILL

To regulate the sale of cases and covers that resemble firearms, to amend the Consumer Product Safety Improvement Act of 2008 with respect to the regulation of toy, look-alike, and imitation firearms, and to provide penalties for a violation of such regulations.

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 “Gun Look-Alike Case
5 Act”.

1 **SEC. 2. PROHIBITION ON TOY, LOOK-ALIKE, AND IMITATION**
2 **FIREARMS.**

3 (a) AMENDMENT.—Title I of the Consumer Product
4 Safety Improvement Act of 2008 (15 U.S.C. 1278a et
5 seq.) is amended by adding at the end the following new
6 section:

7 **“SEC. 109. PROHIBITION ON TOY, LOOK-ALIKE, AND IMITA-**
8 **TION FIREARMS.**

9 “(a) ACTS PROHIBITED.—It shall be unlawful for any
10 person to manufacture, enter into commerce, ship, trans-
11 port, or receive any toy, look-alike, or imitation firearm
12 unless such firearm contains, or has affixed to it, a mark-
13 ing approved by the Commission, as provided subsection
14 (b).

15 “(b) DISTINCTIVE MARKING OR DEVICE; EXCEP-
16 TION; WAIVER; ADJUSTMENTS AND CHANGES.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2) or (3), each toy, look-alike, or imitation
19 firearm shall have as an integral part, permanently
20 affixed, a blaze orange plug inserted in the barrel of
21 such toy, look-alike, or imitation firearm. Such plug
22 shall be recessed no more than 6 millimeters from
23 the muzzle end of the barrel of such firearm.

24 “(2) ALTERNATIVE MARKINGS.—The Commis-
25 sion may issue regulations to provide for an alter-
26 nate marking or device for any toy, look-alike, or

1 imitation firearm not capable of being marked as
2 provided in paragraph (1) and may waive the re-
3 quirement of any such marking or device for any
4 toy, look-alike, or imitation firearm that will only be
5 used in the theatrical, movie, or television industry.
6 The Commission is authorized to make adjustments
7 and changes in the marking system provided for by
8 this section, after consulting with interested persons.

9 “(3) APPLICABILITY OF FORMER REGULA-
10 TIONS.—Unless and until the Commission issues
11 regulations approving other markings or providing
12 an alternate marking or device under this sub-
13 section, part 1150 of title 15, Code of Federal Regu-
14 lations, as in effect on the day before the date of en-
15 actment of this Act, shall apply as if promulgated by
16 the Commission. Markings approved under section
17 1150.3 of such part shall be considered markings
18 approved by the Commission for purposes of sub-
19 section (a).

20 “(c) LOOK-ALIKE FIREARM DEFINED.—For pur-
21 poses of this section, the term ‘look-alike firearm’ means
22 any imitation of any original firearm which was manufac-
23 tured, designed, and produced since 1898, including and
24 limited to toy guns, water guns, replica nonguns, air-soft
25 guns firing nonmetallic projectiles, and cases and covers

1 for products where such case or cover has the appearance,
2 shape, or configuration of a firearm. Such term does not
3 include any look-alike, nonfiring, collector replica of an an-
4 tique firearm developed prior to 1898, or traditional B-
5 B, paint-ball, or pellet-firing air guns that expel a projec-
6 tile through the force of air pressure.

7 “(d) TREATMENT OF VIOLATION.—A violation of
8 subsection (a) shall be treated as a violation of section
9 19(a)(1) of the Consumer Product Safety Act (15 U.S.C.
10 2068(a)(1)).

11 “(e) TREATMENT AS CONSUMER PRODUCT SAFETY
12 STANDARDS; EFFECT ON STATE LAWS.—Subsections (a)
13 and (b) shall be considered consumer product safety
14 standards under the Consumer Product Safety Act.

15 “(f) PREEMPTION OF STATE OR LOCAL LAWS OR OR-
16 DINANCES; EXCEPTIONS.—The provisions of this section
17 shall supersede any provision of State or local laws or ordi-
18 nances which provide for markings or identification incon-
19 sistent with provisions of this section provided that no
20 State shall—

21 “(1) prohibit the sale or manufacture of any
22 look-alike, nonfiring, collector replica of an antique
23 firearm developed prior to 1898; or

24 “(2) prohibit the sale (other than prohibiting
25 the sale to minors) of traditional B–B, paint ball, or

1 pellet-firing air guns that expel a projectile through
2 the force of air pressure.”.

3 (b) REPEAL.—Section 4 of the Federal Energy Man-
4 agement Improvement Act of 1988 (15 U.S.C. 5001) is
5 repealed.

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