

106TH CONGRESS  
2D SESSION

# S. 2810

To amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 28, 2000

Mr. KERRY (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes.

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 of 2000".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) A 1997 Centers for Disease Control and  
2           Prevention study found that the rate for uninten-  
3           tional firearms-related deaths of children under the  
4           age of 15 in the United States was 9 times greater  
5           than the rate for 25 other industrialized countries  
6           combined.

7           (2) A study in the December, 1995, issue of the  
8           Archives of Pediatric and Adolescent Medicine found  
9           that 25 percent of 3- to 4-year-olds and 70 percent  
10          of 5- to 6-year-olds had sufficient finger strength to  
11          fire 59 (or 92 percent) of the 64 commonly available  
12          handguns examined in the study.

13          (3) Suicide accounted for 30 percent of child  
14          and teen gun deaths in 1999. The risk of suicide is  
15          5 times greater in households with guns. Seventy-  
16          five percent of the guns involved in self-inflicted and  
17          unintentional firearm injuries among children come  
18          from the victim's home or the home of a friend or  
19          relative.

20          (4) Many currently available trigger locks, safe-  
21          ty locks, lock boxes, and other similar devices are in-  
22          adequate to prevent the accidental discharge of the  
23          firearms to which they are attached.

1 **SEC. 3. AMENDMENT OF CONSUMER PRODUCT SAFETY**  
2 **ACT.**

3 (a) IN GENERAL.—The Consumer Product Safety  
4 Act (15 U.S.C. 2051 et seq.) is amended by adding at  
5 the end thereof the following:

6 **“SEC. 38. CHILD HANDGUN SAFETY DEVICES.**

7 “(a) ESTABLISHMENT OF STANDARD.—

8 “(1) IN GENERAL.—

9 “(A) RULEMAKING REQUIRED.—Notwith-  
10 standing section 3(a)(1)(E) of this Act, the  
11 Commission shall initiate a rulemaking pro-  
12 ceeding under section 553 of title 5, United  
13 States Code, within 90 days after the date of  
14 enactment of the Child Handgun Injury Pre-  
15 vention Act of 2000 to establish a consumer  
16 product safety standard for handgun locks. The  
17 Commission may extend the 90-day period for  
18 good cause. Notwithstanding any other provi-  
19 sion of law, including chapter 5 of title 5,  
20 United States Code, the Commission shall pro-  
21 mulgate a final consumer product safety stand-  
22 ard under this paragraph within 12 months  
23 after the date on which it initiated the rule-  
24 making. The Commission may extend that 12-  
25 month period for good cause. The consumer  
26 product safety standard promulgated under this

1 paragraph shall take effect 6 months after the  
2 date on which the final standard is promul-  
3 gated.

4 “(B) STANDARD REQUIREMENTS.—The  
5 standard promulgated under subparagraph (A)  
6 shall require gun locks that—

7 “(i) are sufficiently difficult for chil-  
8 dren to de-activate or remove; and

9 “(ii) prevent the discharge of the  
10 handgun unless the gunlock has been de-  
11 activated or removed.

12 “(2) CERTAIN PROVISIONS NOT TO APPLY.—

13 “(A) PROVISIONS OF THIS ACT.—Sections  
14 7, 9, and 30(d) of this Act do not apply to the  
15 rulemaking proceeding under paragraph (1).  
16 Section 11 of this Act does not apply to any  
17 consumer product safety standard promulgated  
18 under paragraph (1).

19 “(B) CHAPTER 5 OF TITLE 5.—Except for  
20 section 553, chapter 5 of title 5, United States  
21 Code, does not apply to this section.

22 “(C) CHAPTER 6 OF TITLE 5.—Chapter 6  
23 of title 5, United States Code, does not apply  
24 to this section.

1                   “(D) NATIONAL ENVIRONMENTAL POLICY  
2                   ACT.—The National Environmental Policy Act  
3                   of 1969 (42 U.S.C. 4321) does not apply to  
4                   this section.

5                   “(b) NO EFFECT ON STATE LAW.—Notwithstanding  
6 section 26 of this Act, this section does not annul, alter,  
7 impair, affect, or exempt any person subject to the provi-  
8 sions of this section from complying with any provision  
9 of the law of any State or any political subdivision thereof,  
10 except to the extent that such provisions of State law are  
11 inconsistent with any provision of this section, and then  
12 only to the extent of the inconsistency. A provision of  
13 State law is not inconsistent with this section if such pro-  
14 vision affords greater protection to children in respect of  
15 handguns than is afforded by this section.

16                   “(c) ENFORCEMENT.—Notwithstanding subsection  
17 (a)(2)(A), the consumer product safety standard promul-  
18 gated by the Commission under subsection (a) shall be en-  
19 forced under this Act as if it were a consumer product  
20 safety standard described in section 7(a).

21                   “(d) DEFINITIONS.—In this section:

22                   “(1) CHILD.—The term ‘child’ means an indi-  
23                   vidual who has not attained the age of 13 years.

24                   “(2) HANDGUN LOCK.—The term ‘handgun  
25                   lock’ means any disabling or locking device that is

1 not built into the handgun at the time of manufac-  
 2 ture and that is designed to prevent the handgun  
 3 from being discharged unless the device has been de-  
 4 activated or removed.

5 “(3) HANDGUN.—The term ‘handgun’—

6 “(A) has the meaning given that term in  
 7 section 921(a) of title 18, United States Code;  
 8 and

9 “(B) includes any article taxable at the  
 10 rate of 10 percent under section 4181 of the In-  
 11 ternal Revenue Code of 1986 (26 U.S.C. 4181).

12 “(4) INCORPORATED DEFINITIONS.—The terms  
 13 ‘licensed importer’, ‘licensed manufacturer’, and ‘li-  
 14 censed dealer’ have the meanings given those terms  
 15 in section 921(a) of title 18, United States Code.”.

16 (b) CONFORMING AMENDMENT.—Section 1 of the  
 17 Consumer Product Safety Act is amended by adding at  
 18 the end of the table of contents the following:

“Sec. 38. Child handgun safety devices.”.

19 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to the Con-  
 21 sumer Product Safety Commission \$2,000,000 to carry  
 22 out the provisions of section 38 of the Consumer Product  
 23 Safety Act, such sums to remain available until expended.

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