

nized or operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

(B) that is an organization described in section 501(c)(6) of title 26 and exempt from tax under section 501(a) of such title; and

(C) 2 or more members of which are manufacturers or sellers of a qualified product.

#### (9) Unlawful misuse

The term “unlawful misuse” means conduct that violates a statute, ordinance, or regulation as it relates to the use of a qualified product.

(Pub. L. 109-92, § 4, Oct. 26, 2005, 119 Stat. 2097.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 109-92, Oct. 26, 2005, 119 Stat. 2095, known as the Protection of Lawful Commerce in Arms Act. For complete classification of this Act to the Code, see Short Title note set out under section 7901 of this title and Tables.

### CHAPTER 106—POOL AND SPA SAFETY

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#### § 8001. Findings

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

(Pub. L. 110-140, title XIV, § 1402, Dec. 19, 2007, 121 Stat. 1794.)

#### EFFECTIVE DATE

Chapter effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

#### SHORT TITLE

Pub. L. 110-140, title XIV, § 1401, Dec. 19, 2007, 121 Stat. 1794, provided that: “This title [enacting this chapter] may be cited as the ‘Virginia Graeme Baker Pool and Spa Safety Act’.”

#### § 8002. Definitions

In this chapter:

##### (1) ASME/ANSI

The term “ASME/ANSI” as applied to a safety standard means such a standard that is ac-

credited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

##### (2) Barrier

The term “barrier” includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

##### (3) Commission

The term “Commission” means the Consumer Product Safety Commission.

##### (4) Main drain

The term “main drain” means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a recirculating pump.

##### (5) Safety vacuum release system

The term “safety vacuum release system” means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

##### (6) Swimming pool; spa

The term “swimming pool” or “spa” means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

##### (7) Unblockable drain

The term “unblockable drain” means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

##### (8) State

The term “State” has the meaning given such term in section 2052(10)<sup>1</sup> of this title, and includes the Northern Mariana Islands. For purposes of eligibility for the grants authorized under section 8004 of this title, such term shall also include any political subdivision of a State.

(Pub. L. 110-140, title XIV, § 1403, Dec. 19, 2007, 121 Stat. 1795; Pub. L. 110-314, title II, § 238(1), Aug. 14, 2008, 122 Stat. 3076; Pub. L. 112-10, div. B, title V, § 1576(a), Apr. 15, 2011, 125 Stat. 139.)

#### REFERENCES IN TEXT

Section 2052(10) of this title, referred to in par. (8), was redesignated section 2052(15) of this title by Pub. L. 110-314, title II, § 235(b)(4), Aug. 14, 2008, 122 Stat. 3074.

#### AMENDMENTS

2011—Par. (8). Pub. L. 112-10 inserted at end “For purposes of eligibility for the grants authorized under section 8004 of this title, such term shall also include any political subdivision of a State.”

2008—Par. (8). Pub. L. 110-314 added par. (8).

#### § 8003. Federal swimming pool and spa drain cover standard

##### (a) Consumer product safety rule

The requirements described in subsection (b) shall be treated as a consumer product safety

<sup>1</sup> See References in Text note below.