

2011—Subsec. (b)(1)(A). Pub. L. 112-74, §502(b), inserted “constructed after the date that is 6 months after December 23, 2011,” after “swimming pools”.

Subsec. (e). Pub. L. 112-74, §502(a), substituted “2012” for “2011”.

Pub. L. 112-10, which directed substitution of “2011” for “2010”, was executed by making the substitution for “2010” the second place appearing to reflect the probable intent of Congress.

#### EFFECTIVE DATE

Section 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.

### § 8005. Minimum State law requirements

#### (a) In general

##### (1) Safety standards

A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa; and

(ii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

##### (2) Use of minimum State law requirements

The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 8004 of this title; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 8004 of this title.

##### (3) Requirements to reflect national performance standards and Commission guidelines

In establishing minimum State law requirements under paragraph (1)(B), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission’s publication 362, entitled “Safety Barrier Guidelines for Home Pools”, the Commission’s publication entitled “Guidelines for Entrapment Hazards: Making Pools and Spas Safer”, and any other pool safety guidelines established by the Commission.

#### (b) Standards

Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

#### (c) Basic access-related safety devices and equipment requirements to be considered

In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

##### (1) Covers

A safety pool cover.

##### (2) Gates

A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

##### (3) Doors

Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

##### (4) Pool alarm

A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

#### (d) Entrapment, entanglement, and evisceration prevention standards to be required

##### (1) In general

In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

##### (A) Safety vacuum release system

A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

##### (B) Suction-limiting vent system

A suction-limiting vent system with a tamper-resistant atmospheric opening.

##### (C) Gravity drainage system

A gravity drainage system that utilizes a collector tank.

##### (D) Automatic pump shut-off system

An automatic pump shut-off system.

##### (E) Drain disablement

A device or system that disables the drain.

##### (F) Other systems

Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

#### (2) Applicable standards

Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or

ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(Pub. L. 110–140, title XIV, §1406, Dec. 19, 2007, 121 Stat. 1797; Pub. L. 113–76, div. E, title V, §501(2), Jan. 17, 2014, 128 Stat. 209.)

#### AMENDMENTS

2014—Subsec. (a)(1)(A). Pub. L. 113–76, §501(2)(A), inserted “and” at end of cl. (i), redesignated cl. (iii) as (ii) and inserted “and” at end, and struck out former cl. (ii) and cls. (iv) and (v) which read as follows:

“(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

“(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 8003 of this title; and

“(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and”.

Subsec. (a)(2) to (4). Pub. L. 113–76, §501(2)(B), (C), redesignated pars. (3) and (4) as (2) and (3), respectively, substituted “paragraph (1)(B)” for “paragraph (1)” in introductory provisions of par. (3), and struck out former par. (2) which read as follows: “The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement.”

#### EFFECTIVE DATE

Section 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.

### § 8006. Education program

#### (a) In general

The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

#### (b) Authorization of appropriations

There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 \$5,000,000 to carry out the education program authorized by subsection (a).

(Pub. L. 110–140, title XIV, §1407, Dec. 19, 2007, 121 Stat. 1799.)

#### EFFECTIVE DATE

Section 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.

### § 8007. CPSC report

Not later than 1 year after the last day of each fiscal year for which grants are made under section 8004 of this title, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.

(Pub. L. 110–140, title XIV, §1408, Dec. 19, 2007, 121 Stat. 1800.)

#### EFFECTIVE DATE

Section 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.

### § 8008. Applicability

This chapter<sup>1</sup> is applicable to the United States and its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(Pub. L. 110–140, title XIV, §1409, as added Pub. L. 110–314, title II, §238(3), Aug. 14, 2008, 122 Stat. 3076.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” and was translated as reading “this title”, meaning title XIV of Pub. L. 110–140, known as the Virginia Graeme Baker Pool and Spa Safety Act, to reflect the probable intent of Congress.

## CHAPTER 107—PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Sec.

8101. Definition.

SUBCHAPTER I—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

8111. Intellectual Property Enforcement Coordinator.

8112. Definition.

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SUBCHAPTER II—CYBERSQUATTING PROTECTION

8131. Cyberpiracy protections for individuals.

### § 8101. Definition

In this Act, the term “United States person” means—

(1) any United States resident or national,

(2) any domestic concern (including any permanent domestic establishment of any foreign concern), and

(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

(Pub. L. 110–403, §3, Oct. 13, 2008, 122 Stat. 4257.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 110–403, Oct. 13, 2008, 122 Stat. 4256, known as the Prioritizing Resources and Organization for Intellectual Property Act of 2008, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note below and Tables.

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