

plying of a qualified product by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.

**(C) Rule of construction**

The exceptions enumerated under clauses (i) through (v) of subparagraph (A) shall be construed so as not to be in conflict, and no provision of this chapter shall be construed to create a public or private cause of action or remedy.

**(D) Minor child exception**

Nothing in this chapter shall be construed to limit the right of a person under 17 years of age to recover damages authorized under Federal or State law in a civil action that meets 1 of the requirements under clauses (i) through (v) of subparagraph (A).

**(6) Seller**

The term “seller” means, with respect to a qualified product—

(A) an importer (as defined in section 921(a)(9) of title 18) who is engaged in the business as such an importer in interstate or foreign commerce and who is licensed to engage in business as such an importer under chapter 44 of title 18;

(B) a dealer (as defined in section 921(a)(11) of title 18) who is engaged in the business as such a dealer in interstate or foreign commerce and who is licensed to engage in business as such a dealer under chapter 44 of title 18; or

(C) a person engaged in the business of selling ammunition (as defined in section 921(a)(17)(A) of title 18) in interstate or foreign commerce at the wholesale or retail level.

**(7) State**

The term “State” includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

**(8) Trade association**

The term “trade association” means—

(A) any corporation, unincorporated association, federation, business league, professional or business organization not organized 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.)

**Editorial Notes**

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**

Sec.	
8001.	Findings.
8002.	Definitions.
8003.	Federal swimming pool and spa drain cover standard.
8004.	State swimming pool safety grant program.
8005.	Minimum State law requirements.
8006.	Education program.
8007.	CPSC report.
8008.	Applicability.

**§ 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.)

**Statutory Notes and Related Subsidiaries**

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.

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 accredited 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.)

**Editorial Notes**

## 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).

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 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 rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

**(b) Drain cover standard**

Effective 1 year after December 19, 2007, each swimming pool or spa drain cover manufactured,

distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover. If a successor standard is proposed, the American Society of Mechanical Engineers shall notify the Commission of the proposed revision. If the Commission determines that the proposed revision is in the public interest, it shall incorporate the revision into the standard after providing 30 days notice to the public.

**(c) Public pools****(1) Required equipment****(A) In general**

Beginning 1 year after December 19, 2007—

(i) each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(ii) each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

**(I) 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.

**(II) Suction-limiting vent system**

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

**(III) Gravity drainage system**

A gravity drainage system that utilizes a collector tank.

**(IV) Automatic pump shut-off system**

An automatic pump shut-off system.

**(V) Drain disablement**

A device or system that disables the drain.

**(VI) Other systems**

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

**(B) Applicable standards**

Any device or system described in subparagraph (A)(ii) 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.

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