

115TH CONGRESS  
1ST SESSION

# S. 2150

To improve requirements for entering into commerce of imitation firearms,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2017

Mr. BLUMENTHAL 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 improve requirements for entering into commerce of  
imitation firearms, 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 “Imitation Firearms  
5 Safety Act of 2017”.

6 **SEC. 2. IMPROVED REQUIREMENTS FOR ENTERING INTO**  
7 **COMMERCE OF IMITATION FIREARMS.**

8 (a) **DISTINCTIVE COLORATION.**—Section 4 of the  
9 Federal Energy Management Improvement Act of 1988  
10 (15 U.S.C. 5001) is amended—

1           (1) in subsection (a), by striking “contains, or  
2           has affixed” and all that follows through the period  
3           at the end and inserting “is marked or manufac-  
4           tured as described in subsection (b).”; and

5           (2) by amending subsection (b) to read as fol-  
6           lows:

7           “(b) MARKING AND MANUFACTURING REQUIRE-  
8           MENTS.—

9           “(1) IN GENERAL.—Except as provided in para-  
10          graph (2), each toy firearm, look-alike firearm, or  
11          imitation firearm shall be marked or manufactured,  
12          or both, so that the coloration of the entire exterior  
13          surface of the toy firearm, look-alike firearm, or imi-  
14          tation firearm—

15                 “(A) is white, bright red, bright orange,  
16                 bright yellow, bright green, bright blue, bright  
17                 pink, or bright purple, either individually or as  
18                 the predominant color in combination with any  
19                 other color in any pattern; and

20                 “(B) is permanent.

21          “(2) ALTERNATIVES AND WAIVERS.—The Sec-  
22          retary of Commerce may—

23                 “(A) provide for an alternate coloration or  
24                 marking for any toy firearm, look-alike firearm,  
25                 or imitation firearm that is not capable of meet-

1 ing the coloration requirements of paragraph  
2 (1); and

3 “(B) waive the requirement of any such  
4 coloration or marking for any toy firearm, look-  
5 alike firearm, or imitation firearm that will only  
6 be used in the theatrical, movie, or television in-  
7 dustry.”.

8 (b) REPEAL OF EXCEPTION FROM REGULATION OF  
9 CERTAIN IMITATION FIREARMS.—The first subsection (c)  
10 of such section (15 U.S.C. 5001) (relating to the definition  
11 of “look-alike firearm”) is amended to read as follows:

12 “(c) LOOK-ALIKE FIREARM DEFINED.—

13 “(1) IN GENERAL.—In this section, except as  
14 provided in paragraph (2), the term ‘look-alike fire-  
15 arm’ means any imitation of any original firearm  
16 which was manufactured, designed, and produced  
17 since 1898, including the following:

18 “(A) Toy guns.

19 “(B) Water guns.

20 “(C) Replica nonguns.

21 “(D) Air-soft guns firing nonmetallic pro-  
22 jectiles.

23 “(E) Traditional BB and pellet-firing air  
24 guns that expel a projectile through the force of  
25 air pressure.

1           “(2) EXCEPTIONS.—In this section, the term  
2 ‘look-alike firearm’ does not include the following:

3                   “(A) Any look-alike, nonfiring, collector  
4 replica of an antique firearm developed prior to  
5 1898.

6                   “(B) Paint-ball guns that expel a projectile  
7 through the force of air pressure.”.

8 (c) REVISION OF RULES.—

9           (1) IN GENERAL.—Not later than 180 days  
10 after the date of the enactment of this Act, the Sec-  
11 retary of Commerce and the Consumer Product  
12 Safety Commission shall review and revise the rules  
13 and regulations of the Department of Commerce and  
14 the Consumer Product Safety Commission, respec-  
15 tively, to ensure that such rules and regulations are  
16 consistent with section 4 of the Federal Energy  
17 Management Improvement Act of 1988 (15 U.S.C.  
18 5001), as amended by this section.

19           (2) NOTICE AND COMMENT.—The Secretary of  
20 Commerce and the Consumer Product Safety Com-  
21 mission shall revise rules under paragraph (1) in ac-  
22 cordance with section 553 of title 5, United States  
23 Code.

24           (d) APPLICABILITY.—The amendments made by this  
25 section to section 4 of the Federal Energy Management

1 Improvement Act of 1988 (15 U.S.C. 5001) shall apply  
2 with respect to toy firearms, look-alike firearms, and imi-  
3 tation firearms that are manufactured on or after the date  
4 that is 180 days after the date of the enactment of this  
5 Act.

6 (e) TECHNICAL CORRECTION.—The second sub-  
7 section (c) of section 4 of the Federal Energy Management  
8 Improvement Act of 1988 (15 U.S.C. 5001) (relating to  
9 a requirement for a technical evaluation) is redesignated  
10 as subsection (e).

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