

Prohibited Acts (§216). Section 216 of the Consumer Product Safety Improvement Act (CPSIA) increases the scope of acts prohibited under CPSA §19 (codified at 15 U.S.C. §2068) by adding new prohibited acts and by expanding the application of existing prohibited acts. The additional or amended prohibitions include

- 1) the sale, manufacture, distribution, or importation of a product regulated by the CPSC that does not comply with an applicable consumer product safety rule under the CPSA *or any similar rule, regulations, standard or ban under any other act enforced by the CPSC* [prohibition extends to products regulated under other acts such as the FHSA];
- 2) the sale, manufacture, distribution, or importation of a product that is the subject of a voluntary corrective action and recall of which either the CPSC has notified the public or the seller, distributor, or manufacturer knew or should have known;
- 3) the sale, manufacture, distribution, or importation of a product that is the subject of a CPSC order for a recall or corrective action or a court order declaring an imminent hazard;
- 4) the sale, manufacture, distribution, or importation of a banned hazardous substance, meaning a children's article or toy which is a hazardous substance or which contains a hazardous substance accessible to a child;
- 5) failure to furnish a required compliance certification or issuance of a false compliance certification under any act enforced by the CPSC, including failure to comply with requirements for testing, certification, and tracking labels for certain children's products;
- 6) sale, importation or distribution of a consumer product bearing a false safety compliance certification mark;
- 7) misrepresentation to CPSC officers/employees of the scope of products subject to recall/corrective action or a material misrepresentation in a CPSC investigation;
- 8) undue influence of a third-party laboratory with respect to testing a product for compliance with safety standards under any act enforced by the CPSC;
- 9) the export for sale of any consumer product or substance regulated by the CPSC (except for the re-export of a product denied importation into the United States) that is the subject of a voluntary corrective action, a CPSC order for a recall or corrective action, a court order declaring an imminent hazard, or that is a banned hazardous substance (meaning a children's article or toy which is a hazardous substance or which contains a hazardous substance accessible to a child); and
- 10) violation of a CPSC order prohibiting an export under new subsection 18(c) of the CPSA.