

- (i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and
- (ii) upon intervening—
 - (I) be heard on all matters arising in the civil action; and
 - (II) file petitions for appeal of a decision in the civil action.

(3) Investigatory powers

Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) Preemptive action by Federal Trade Commission

If the Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), the attorney general of a State may not, during the pendency of such action, bring a civil action under paragraph (1) against any defendant named in the complaint of the Commission for the violation with respect to which the Commission instituted such action.

(5) Venue; service of process

(A) Venue

Any action brought under paragraph (1) may be brought in—

- (i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28; or
- (ii) another court of competent jurisdiction.

(B) Service of process

In an action brought under paragraph (1), process may be served in any district in which the defendant—

- (i) is an inhabitant; or
- (ii) may be found.

(6) Actions by other State officials

(A) In general

In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) Savings provision

Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

(Pub. L. 114-274, §2, Dec. 14, 2016, 130 Stat. 1401.)

Editorial Notes

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (b)(2), is act Sept. 26, 1914, ch. 311, 38 Stat. 717,

which is classified generally to this subchapter. For complete classification of this Act to the Code, see section 58 of this title and Tables.

CODIFICATION

Section was enacted as part of the Better Online Ticket Sales Act of 2016 or the BOTS Act of 2016, and not as part of the Federal Trade Commission Act which comprises this subchapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 114-274, §3, Dec. 14, 2016, 130 Stat. 1403, provided that: “In this Act [see Short Title of 2016 Amendment note set out under section 58 of this title]:

“(1) COMMISSION.—The term ‘Commission’ means the Federal Trade Commission.

“(2) EVENT.—The term ‘event’ means any concert, theatrical performance, sporting event, show, or similarly scheduled activity, taking place in a venue with a seating or attendance capacity exceeding 200 persons that—

“(A) is open to the general public; and

“(B) is promoted, advertised, or marketed in interstate commerce or for which event tickets are generally sold or distributed in interstate commerce.

“(3) EVENT TICKET.—The term ‘event ticket’ means any physical, electronic, or other form of a certificate, document, voucher, token, or other evidence indicating that the bearer, possessor, or person entitled to possession through purchase or otherwise has—

“(A) a right, privilege, or license to enter an event venue or occupy a particular seat or area in an event venue with respect to one or more events; or

“(B) an entitlement to purchase such a right, privilege, or license with respect to one or more future events.

“(4) TICKET ISSUER.—The term ‘ticket issuer’ means any person who makes event tickets available, directly or indirectly, to the general public, and may include—

“(A) the operator of the venue;

“(B) the sponsor or promoter of an event;

“(C) a sports team participating in an event or a league whose teams are participating in an event;

“(D) a theater company, musical group, or similar participant in an event; and

“(E) an agent for any such person.”

§ 45d. Unfair or deceptive acts or practices with respect to substance use disorder treatment service and products

(a) Unlawful activity

It is unlawful to engage in an unfair or deceptive act or practice with respect to any substance use disorder treatment service or substance use disorder treatment product.

(b) Enforcement by the Federal Trade Commission

(1) Unfair or deceptive acts or practices

A violation of subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(2) Powers of the Federal Trade Commission

(A) In general

The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all appli-

cable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) Privileges and immunities

Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated and made part of this section.

(c) Authority preserved

Nothing in this subtitle shall be construed to limit the authority of the Federal Trade Commission or the Food and Drug Administration under any other provision of law.

(Pub. L. 115–271, title VIII, §8023, Oct. 24, 2018, 132 Stat. 4082.)

Editorial Notes

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (b)(2), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to this subchapter. For complete classification of this Act to the Code, see section 58 of this title and Tables.

This subtitle, referred to in subsec. (c), is subtitle B (§§8021–8023) of title VIII of Pub. L. 115–271, Oct. 24, 2018, 132 Stat. 4082, known as the Opioid Addiction Recovery Fraud Prevention Act of 2018, which enacted this section and provisions set out as notes under this section and section 58 of this title.

CODIFICATION

Section was enacted as part of the Opioid Addiction Recovery Fraud Prevention Act of 2018, and also as part of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act, also known as the SUPPORT for Patients and Communities Act, and not as part of the Federal Trade Commission Act which comprises this subchapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 115–271, title VIII, §8022, Oct. 24, 2018, 132 Stat. 4082, provided that: “For purposes of this subtitle [subtitle B (§§8021–8023) of title VIII of Pub. L. 115–271, see References in Text note above] only, and not [to] be construed or applied as to challenge or affect the characterization, definition, or treatment under any other statute, regulation, or rule:

“(1) **SUBSTANCE USE DISORDER TREATMENT PRODUCT.**—The term ‘substance use disorder treatment product’ means a product for use or marketed for use in the treatment, cure, or prevention of a substance use disorder, including an opioid use disorder.

“(2) **SUBSTANCE USE DISORDER TREATMENT SERVICE.**—The term ‘substance use disorder treatment service’ means a service that purports to provide referrals to treatment, treatment, or recovery housing for people diagnosed with, having, or purporting to have a substance use disorder, including an opioid use disorder.”

§ 45e. Office for the prevention of fraud targeting seniors

(a) Establishment of Advisory Office

The Federal Trade Commission (in this section referred to as the “Commission”) shall establish

an office within the Bureau of Consumer Protection for the purpose of advising the Commission on the prevention of fraud targeting seniors and to assist the Commission with the following:

(1) Oversight

The advisory office shall monitor the market for mail, television, internet, telemarketing, and recorded message telephone call (in this section referred to as “robocall”) fraud targeting seniors and shall coordinate with other relevant agencies regarding the requirements of this section.

(2) Consumer education

The Commission, through the advisory office and in consultation with the Attorney General, the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and other relevant agencies, shall—

(A) disseminate to seniors and families and caregivers of seniors general information on mail, television, internet, telemarketing, and robocall fraud targeting seniors, including descriptions of the most common fraud schemes;

(B) disseminate to seniors and families and caregivers of seniors information on reporting complaints of fraud targeting seniors either to the national toll-free telephone number established by the Commission for reporting such complaints, or to the Consumer Sentinel Network, operated by the Commission, where such complaints will become immediately available to appropriate law enforcement agencies, including the Federal Bureau of Investigation and the attorneys general of the States;

(C) in response to a specific request about a particular entity or individual, provide publicly available information of any enforcement action taken by the Commission for mail, television, internet, telemarketing, and robocall fraud against such entity; and

(D) maintain a website to serve as a resource for information for seniors and families and caregivers of seniors regarding mail, television, internet, telemarketing, robocall, and other identified fraud targeting seniors.

(3) Complaints

The Commission, through the advisory office and in consultation with the Attorney General, shall establish procedures to—

(A) log and acknowledge the receipt of complaints by individuals who believe they have been a victim of mail, television, internet, telemarketing, and robocall fraud in the Consumer Sentinel Network, and shall make those complaints immediately available to Federal, State, and local law enforcement authorities; and

(B) provide to individuals described in subparagraph (A), and to any other persons, specific and general information on mail, television, internet, telemarketing, and robocall fraud, including descriptions of the most common schemes using such methods of communication.