

(i) Is legally marketed in the United States in accordance with Food and Drug Administration requirements in title 21 of the CFR;

(ii) Does not radiate radio frequency emissions that interfere with aircraft systems;

(iii) Generates a maximum oxygen pressure of less than 200 kPa gauge (29.0 psig/43.8 psia) at 20 °C (68 °F);

(iv) Does not contain any hazardous materials subject to the Hazardous Materials Regulations (49 CFR parts 171 through 180) except as provided in 49 CFR 175.10 for batteries used to power portable electronic devices and that do not require aircraft operator approval; and

(v) Bears a label on the exterior of the device applied in a manner that ensures the label will remain affixed for the life of the device and containing the following certification statement in red lettering: “The manufacturer of this POC has determined this device conforms to all applicable FAA acceptance criteria for POC carriage and use on board aircraft.” The label requirements in this paragraph (e)(1)(v) do not apply to the following portable oxygen concentrators approved by the FAA for use on board aircraft prior to May 24, 2016:

- (A) AirSep Focus;
- (B) AirSep FreeStyle;
- (C) AirSep FreeStyle 5;
- (D) AirSep LifeStyle;
- (E) Delphi RS-00400;
- (F) DeVilbiss Healthcare iGo;
- (G) Inogen One;
- (H) Inogen One G2;
- (I) Inogen One G3;
- (J) Inova Labs LifeChoice;
- (K) Inova Labs LifeChoice Activox;
- (L) International Biophysics LifeChoice;
- (M) Invacare Solo2;
- (N) Invacare XPO2;
- (O) Oxlife Independence Oxygen Concentrator;
- (P) Oxus RS-00400;
- (Q) Precision Medical EasyPulse;
- (R) Respiroics EverGo;
- (S) Respiroics SimplyGo;
- (T) SeQual Eclipse;
- (U) SeQual eQuinox Oxygen System (model 4000);
- (V) SeQual Oxywell Oxygen System (model 4000);

(W) SeQual SAROS; and

(X) VBox Trooper Oxygen Concentrator.

(2) *Operating requirements.* Portable oxygen concentrators that satisfy the acceptance criteria identified in paragraph (e)(1) of this section may be carried or operated by a passenger on an aircraft provided the aircraft operator ensures that all of the conditions in this paragraph (e)(2) are satisfied:

(i) *Exit seats.* No person operating a portable oxygen concentrator is permitted to occupy an exit seat.

(ii) *Stowage of device.* During movement on the surface, takeoff and landing, the device must be stowed under the seat in front of the user, or in another approved stowage location so that it does not block the aisle way or the entryway to the row. If the device is to be operated by the user, it must be operated only at a seat location that does not restrict any passenger's access to, or use of, any required emergency or regular exit, or the aisle(s) in the passenger compartment.

[Doc. No. 12169, 39 FR 42677, Dec. 6, 1974, as amended by Amdt. 121-159, 45 FR 41594, June 19, 1980; Docket FAA-2014-0554, Amdt. 121-374, 81 FR 33118, May 24, 2016]

§ 121.575 Alcoholic beverages.

(a) No person may drink any alcoholic beverage aboard an aircraft unless the certificate holder operating the aircraft has served that beverage to him.

(b) No certificate holder may serve any alcoholic beverage to any person aboard any of its aircraft who—

(1) Appears to be intoxicated;

(2) Is escorting a person or being escorted in accordance with 49 CFR 1544.221; or

(3) Has a deadly or dangerous weapon accessible to him while aboard the aircraft in accordance with 49 CFR 1544.219, 1544.221, or 1544.223.

(c) No certificate holder may allow any person to board any of its aircraft if that person appears to be intoxicated.

(d) Each certificate holder shall, within five days after the incident, report to the Administrator the refusal