

# HB3188



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3188

Introduced 2/18/2025, by Rep. Jawaharial Williams

### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2DDDD

Amends the Consumer Fraud and Deceptive Business Practices Act. In provisions concerning the sale and marketing of firearms, provides that a firearm industry member fails to establish or utilize reasonable controls over the sale of a firearm-related product it conducts a sale through a self-service machine that dispenses a firearm-related product to a consumer.

LRB104 11104 SPS 21186 b

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Consumer Fraud and Deceptive Business  
5 Practices Act is amended by changing Section 2DDDD as follows:

6 (815 ILCS 505/2DDDD)

7 Sec. 2DDDD. Sale and marketing of firearms.

8 (a) As used in this Section:

9 "Firearm" has the meaning set forth in Section 1.1 of the  
10 Firearm Owners Identification Card Act.

11 "Firearm accessory" means an attachment or device designed  
12 or adapted to be inserted into, affixed onto, or used in  
13 conjunction with a firearm that is designed, intended, or  
14 functions to alter or enhance (i) the firing capabilities of a  
15 firearm, frame, or receiver, (ii) the lethality of the  
16 firearm, or (iii) a shooter's ability to hold and use a  
17 firearm.

18 "Firearm ammunition" has the meaning set forth in Section  
19 1.1 of the Firearm Owners Identification Card Act.

20 "Firearm industry member" means a person, firm,  
21 corporation, company, partnership, society, joint stock  
22 company, or any other entity or association engaged in the  
23 design, manufacture, distribution, importation, marketing,

1 wholesale, or retail sale of firearm-related products,  
2 including sales by mail, telephone, or Internet or in-person  
3 sales.

4 "Firearm-related product" means a firearm, firearm  
5 ammunition, a firearm precursor part, a firearm component, or  
6 a firearm accessory that meets any of the following  
7 conditions:

8 (1) the item is sold, made, or distributed in  
9 Illinois;

10 (2) the item is intended to be sold or distributed in  
11 Illinois; or

12 (3) the item is or was possessed in Illinois, and it  
13 was reasonably foreseeable that the item would be  
14 possessed in Illinois.

15 "Straw purchaser" means a person who (i) knowingly  
16 purchases or attempts to purchase a firearm-related product  
17 with intent to deliver that firearm-related product to another  
18 person who is prohibited by federal or State law from  
19 possessing a firearm-related product or (ii) intentionally  
20 provides false or misleading information on a Bureau of  
21 Alcohol, Tobacco, Firearms and Explosives firearms transaction  
22 record form to purchase a firearm-related product with the  
23 intent to deliver that firearm-related product to another  
24 person.

25 "Unlawful paramilitary or private militia" means a group  
26 of armed individuals, organized privately, in violation of the

1 Military Code of Illinois and Section 2 of Article XII of the  
2 Illinois Constitution.

3 (b) It is an unlawful practice within the meaning of this  
4 Act for any firearm industry member, through the sale,  
5 manufacturing, importing, or marketing of a firearm-related  
6 product, to do any of the following:

7 (1) Knowingly create, maintain, or contribute to a  
8 condition in Illinois that endangers the safety or health  
9 of the public by conduct either unlawful in itself or  
10 unreasonable under all circumstances, including failing to  
11 establish or utilize reasonable controls. Reasonable  
12 controls include reasonable procedures, safeguards, and  
13 business practices that are designed to:

14 (A) prevent the sale or distribution of a  
15 firearm-related product to a straw purchaser, a person  
16 prohibited by law from possessing a firearm, or a  
17 person who the firearm industry member has reasonable  
18 cause to believe is at substantial risk of using a  
19 firearm-related product to harm themselves or another  
20 individual or of possessing or using a firearm-related  
21 product unlawfully;

22 (B) prevent the loss or theft of a firearm-related  
23 product from the firearm industry member; or

24 (C) comply with all provisions of applicable  
25 local, State, and federal law, and do not otherwise  
26 promote the unlawful manufacture, sale, possession,

1 marketing, or use of a firearm-related product.

2 For the purposes of this subsection, a firearm  
3 industry member fails to establish or utilize reasonable  
4 controls over the sale of a firearm-related product if it  
5 conducts a sale through a self-service machine that  
6 dispenses a firearm-related product to a consumer.

7 (2) Advertise, market, or promote a firearm-related  
8 product in a manner that reasonably appears to support,  
9 recommend, or encourage individuals to engage in unlawful  
10 paramilitary or private militia activity in Illinois, or  
11 individuals who are not in the National Guard, United  
12 States armed forces reserves, United States armed forces,  
13 or any duly authorized military organization to use a  
14 firearm-related product for a military-related purpose in  
15 Illinois.

16 (3) Except as otherwise provided, advertise, market,  
17 promote, design, or sell any firearm-related product in a  
18 manner that reasonably appears to support, recommend, or  
19 encourage persons under 18 years of age to unlawfully  
20 purchase or possess or use a firearm-related product in  
21 Illinois.

22 (A) In determining whether the conduct of a  
23 firearm industry member, as described in this  
24 paragraph, reasonably appears to support, recommend,  
25 or encourage persons under 18 years of age to  
26 unlawfully purchase a firearm-related product, a court

1 shall consider the totality of the circumstances,  
2 including, but not limited to, whether the marketing,  
3 advertising promotion, design, or sale:

4 (i) uses caricatures that reasonably appear to  
5 be minors or cartoon characters;

6 (ii) offers brand name merchandise for minors,  
7 including, but not limited to, clothing, toys,  
8 games, or stuffed animals, that promotes a firearm  
9 industry member or firearm-related product;

10 (iii) offers firearm-related products in  
11 sizes, colors, or designs that are specifically  
12 designed to be used by, or appeal to, minors;

13 (iv) is part of a marketing, advertising, or  
14 promotion campaign designed with the intent to  
15 appeal to minors;

16 (v) uses images or depictions of minors in  
17 advertising or marketing, or promotion materials,  
18 to depict the use of firearm-related products; or

19 (vi) is placed in a publication created for  
20 the purpose of reaching an audience that is  
21 predominantly composed of minors and not intended  
22 for a more general audience composed of adults.

23 (B) This paragraph does not apply to  
24 communications or promotional materials regarding  
25 lawful recreational activity with a firearm, such as,  
26 but not limited to, practice shooting at targets on

1 established public or private target ranges or  
2 hunting, trapping, or fishing in accordance with the  
3 Wildlife Code or the Fish and Aquatic Life Code.

4 (4) Otherwise engage in unfair methods of competition  
5 or unfair or deceptive acts or practices declared unlawful  
6 under Section 2 of this Act.

7 (c) Paragraphs (2), (3), and (4) of subsection (b) are  
8 declarative of existing law and shall not be construed as new  
9 enactments. The provisions of these paragraphs shall apply to  
10 all actions commenced or pending on or after August 14, 2023  
11 (the effective date of Public Act 103-559).

12 (d) The provisions of this Section are severable under  
13 Section 1.31 of the Statute on Statutes.

14 (Source: P.A. 103-559, eff. 8-14-23; 103-605, eff. 7-1-24.)