

# SB2123



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2123

Introduced 2/7/2025, by Sen. Laura Ellman

### SYNOPSIS AS INTRODUCED:

815 ILCS 505/2DDDD

Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that it is an unlawful practice within the meaning of the Act for any person to knowingly sell, give, or deliver within the State, whether in a commercial transaction or private transaction, an imitation firearm to any other person. Defines "imitation firearm".

LRB104 06335 RLC 16370 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 "Imitation firearm" means any device or object made of  
16 plastic, wood, metal, or any other material which  
17 substantially duplicates or can reasonably be perceived to be  
18 an actual firearm, air rifle, pellet gun, or "B-B" gun; unless  
19 such imitation firearm:

20 (1) is colored white, bright red, bright orange,  
21 bright yellow, bright green, bright blue, bright pink, or  
22 bright purple on the entire exterior surface or as the  
23 predominant color in combination with other colors in any  
24 pattern;

25 (2) is constructed entirely of transparent or  
26 translucent materials which permits unmistakable

1 observation of the imitation or toy firearm's complete  
2 contents;

3 (3) has a barrel that is closed for a distance of not  
4 less than one-half inch from the front-end of its barrel  
5 with the same material of which the imitation firearm is  
6 made, unless it is a water gun;

7 (4) has legibly stamped thereon, the name of the  
8 manufacturer or some trade name, mark or brand by which  
9 the manufacturer can be readily identified; and

10 (5) does not have attached to it a laser pointer,  
11 defined for the purpose of this Section as any device that  
12 emits light amplified by the stimulated emission of  
13 radiation that is visible to the human eye.

14 "Imitation firearm" does not include any non-firing  
15 replica of an antique firearm, the original of which was  
16 designed, manufactured, and produced prior to 1898.

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

1 "Unlawful paramilitary or private militia" means a group  
2 of armed individuals, organized privately, in violation of the  
3 Military Code of Illinois and Section 2 of Article XII of the  
4 Illinois Constitution.

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

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

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

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

26 (C) comply with all provisions of applicable

1 local, State, and federal law, and do not otherwise  
2 promote the unlawful manufacture, sale, possession,  
3 marketing, or use of a firearm-related product.

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

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

19 (A) In determining whether the conduct of a  
20 firearm industry member, as described in this  
21 paragraph, reasonably appears to support, recommend,  
22 or encourage persons under 18 years of age to  
23 unlawfully purchase a firearm-related product, a court  
24 shall consider the totality of the circumstances,  
25 including, but not limited to, whether the marketing,  
26 advertising promotion, design, or sale:

1 (i) uses caricatures that reasonably appear to  
2 be minors or cartoon characters;

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

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

10 (iv) is part of a marketing, advertising, or  
11 promotion campaign designed with the intent to  
12 appeal to minors;

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

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

20 (B) This paragraph does not apply to  
21 communications or promotional materials regarding  
22 lawful recreational activity with a firearm, such as,  
23 but not limited to, practice shooting at targets on  
24 established public or private target ranges or  
25 hunting, trapping, or fishing in accordance with the  
26 Wildlife Code or the Fish and Aquatic Life Code.

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

4           (b-1) It is an unlawful practice within the meaning of  
5           this Act for any person to knowingly sell, give, or deliver  
6           within this State, whether in a commercial transaction or  
7           private transaction, an imitation firearm to any other person.

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

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

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