

AN ACT concerning civil law.

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

Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2BBBB as follows:

(815 ILCS 505/2BBBB new)

Sec. 2BBBB. Sale and marketing of firearms.

(a) As used in this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

marketing, or use of a firearm-related product.

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

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

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

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

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

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

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

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

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

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

(4) Otherwise engage in unfair methods of competition or unfair or deceptive acts or practices declared unlawful

under Section 2 of this Act.

(c) Paragraphs (2), (3), and (4) of subsection (b) are declarative of existing law and shall not be construed as new enactments. The provisions of these paragraphs shall apply to all actions commenced or pending on or after the effective date of this amendatory Act of the 103rd General Assembly.

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

Section 99. Effective date. This Act takes effect upon becoming law.