

1 AN ACT concerning civil law.

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 adding Section 2BBBB as follows:

6 (815 ILCS 505/2BBBB new)

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

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

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

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

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

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

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

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

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

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

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

1 under Section 2 of this Act.

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

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

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