



Rep. Jennifer Gong-Gershowitz

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10300HB0218ham001

LRB103 03742 SPS 61694 a

1 AMENDMENT TO HOUSE BILL 218

2 AMENDMENT NO. _____. Amend House Bill 218 by replacing
3 everything after the enacting clause with the following:

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

1 firearm.

2 "Firearm ammunition" has the meaning set forth in Section
3 1.1 of the Firearm Owners Identification Card Act.

4 "Firearm industry member" means a person, firm,
5 corporation, company, partnership, society, joint stock
6 company, or any other entity or association engaged in the
7 design, manufacture, distribution, importation, marketing,
8 wholesale, or retail sale of firearm-related products,
9 including sales by mail, telephone, or Internet or in-person
10 sales.

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

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

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

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

22 "Straw purchaser" means a person who (i) knowingly
23 purchases or attempts to purchase a firearm-related product
24 with intent to deliver that firearm-related product to another
25 person who is prohibited by federal or State law from
26 possessing a firearm-related product or (ii) intentionally

1 provides false or misleading information on a Bureau of
2 Alcohol, Tobacco, Firearms and Explosives firearms transaction
3 record form to purchase a firearm-related product with the
4 intent to deliver that firearm-related product to another
5 person.

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

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

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

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

1 individual or of possessing or using a firearm-related
2 product unlawfully;

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

5 (C) comply with all provisions of applicable
6 local, State, and federal law, and do not otherwise
7 promote the unlawful manufacture, sale, possession,
8 marketing, or use of a firearm-related product.

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

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

24 (A) In determining whether the conduct of a
25 firearm industry member, as described in this
26 paragraph, reasonably appears to support, recommend,

1 or encourage persons under 18 years of age to
2 unlawfully purchase a firearm-related product, a court
3 shall consider the totality of the circumstances,
4 including, but not limited to, whether the marketing,
5 advertising promotion, design, or sale:

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

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

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

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

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

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

25 (B) This paragraph does not apply to
26 communications or promotional materials regarding

1 lawful recreational activity with a firearm such as,
2 but not limited to, practice shooting at targets on
3 established public or private target ranges or
4 hunting, trapping, or fishing in accordance with the
5 Wildlife Code or the Fish and Aquatic Life Code.

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

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

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

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