

118TH CONGRESS
1ST SESSION

S. _____

To direct the Federal Trade Commission to conduct a study and submit to Congress a report on unfair or deceptive acts or practices that may be prevalent in the advertising or marketing of firearms and to issue regulations to prohibit unfair or deceptive acts or practices related to the advertising or marketing of firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. BOOKER, Mr. MARKEY, Mr. MURPHY, Mr. WELCH, Mr. MENENDEZ, Mr. PADILLA, Mrs. FEINSTEIN, Ms. HIRONO, Mr. DURBIN, Ms. WARREN, Mr. REED, Mr. SANDERS, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To direct the Federal Trade Commission to conduct a study and submit to Congress a report on unfair or deceptive acts or practices that may be prevalent in the advertising or marketing of firearms and to issue regulations to prohibit unfair or deceptive acts or practices related to the advertising or marketing of firearms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Responsible Firearms
3 Marketing Act”.

4 **SEC. 2. UNFAIR OR DECEPTIVE ACTS OR PRACTICES RE-**
5 **LATED TO THE ADVERTISING OR MARKETING**
6 **OF FIREARMS.**

7 (a) STUDY AND REPORT BY THE FEDERAL TRADE
8 COMMISSION.—

9 (1) STUDY.—

10 (A) IN GENERAL.—The Commission shall
11 conduct a study, using the Commission’s au-
12 thority under section 6(b) of the Federal Trade
13 Commission Act (15 U.S.C. 46(b)), regarding
14 the advertising or marketing of firearms. Such
15 study shall identify potentially unfair or decep-
16 tive acts or practices that may be prevalent in
17 such advertising or marketing, as well as any
18 other information determined appropriate by
19 the Commission.

20 (B) CONSIDERATIONS.—In conducting the
21 study under subparagraph (A), the Commission
22 shall consider—

23 (i) advertising or marketing materials
24 that may—

1 (I) be designed to appeal to indi-
2 viduals who are younger than 18
3 years of age; or

4 (II) imply or encourage illegal
5 use of the advertised or marketed
6 product; and

7 (ii) advertising or marketing of semi-
8 automatic assault weapons.

9 (2) REPORT.—Not later than 2 years after the
10 date of the enactment of this section, the Commis-
11 sion shall submit to Congress a report on the study
12 conducted under paragraph (1), together with such
13 recommendations for legislation or administrative
14 action as the Commission determines appropriate.

15 (3) EXEMPTION FROM PAPERWORK REDUCTION
16 ACT.—Subchapter I of chapter 35 of title 44, United
17 States Code, shall not apply to the collection of in-
18 formation under paragraph (1).

19 (b) REGULATIONS.—

20 (1) IN GENERAL.—Not later than 18 months
21 after submitting the report required by subsection
22 (a)(2), the Commission shall promulgate regulations
23 under section 553 of title 5, United States Code, to
24 prohibit any manufacturer, dealer, or importer of
25 firearms from engaging in any unfair or deceptive

1 act or practice related to the advertising or mar-
2 keting of firearms.

3 (2) REQUIREMENTS.—In promulgating regula-
4 tions under paragraph (1), the Commission shall ad-
5 dress—

6 (A) unfair or deceptive advertising or mar-
7 keting that—

8 (i) may be designed to appeal to indi-
9 viduals who are younger than 18 years of
10 age;

11 (ii) may imply or encourage illegal use
12 of the advertised or marketed product; or

13 (iii) relates to the sale of semiauto-
14 matic assault weapons; and

15 (B) any other unfair or deceptive acts or
16 practices related to the advertising or mar-
17 keting of firearms by manufacturers, dealers, or
18 importers of firearms.

19 (c) ENFORCEMENT.—

20 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
21 TICES.—A violation of a regulation promulgated
22 under subsection (b) shall be treated as a violation
23 of a rule defining an unfair or deceptive act or prac-
24 tice under section 18(a)(1)(B) of the Federal Trade
25 Commission Act (15 U.S.C. 57a(a)(1)(B)).

1 (2) POWERS OF THE COMMISSION.—

2 (A) IN GENERAL.—The Commission shall
3 enforce the regulations promulgated under sub-
4 section (b) in the same manner, by the same
5 means, and with the same jurisdiction, powers,
6 and duties as though all applicable terms and
7 provisions of the Federal Trade Commission
8 Act (15 U.S.C. 41 et seq.) were incorporated
9 into and made a part of this Act.

10 (B) PRIVILEGES AND IMMUNITIES.—Any
11 person who violates a regulation promulgated
12 under subsection (b) shall be subject to the pen-
13 alties and entitled to the privileges and immuni-
14 ties provided in the Federal Trade Commission
15 Act (15 U.S.C. 41 et seq.).

16 (C) AUTHORITY PRESERVED.—Nothing in
17 this Act shall be construed to limit the author-
18 ity of the Commission under any other provi-
19 sion of law.

20 (d) DEFINITIONS.—In this section:

21 (1) COMMISSION.—The term “Commission”
22 means the Federal Trade Commission.

23 (2) FIREARM; IMPORTER; MANUFACTURER;
24 DEALER.—The terms “firearm”, “importer”, “man-
25 ufacturer”, and “dealer” have the meanings given

1 such terms in section 921(a) of title 18, United
2 States Code.