

117TH CONGRESS
2D SESSION

H. R. 8570

To direct the Federal Trade Commission to conduct an investigation 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 HOUSE OF REPRESENTATIVES

JULY 28, 2022

Mr. MALINOWSKI (for himself and Ms. KELLY of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Federal Trade Commission to conduct an investigation 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) INVESTIGATION AND REPORT BY FEDERAL
8 TRADE COMMISSION.—

9 (1) INVESTIGATION.—

10 (A) IN GENERAL.—The Commission shall
11 conduct an investigation to identify potentially
12 unfair or deceptive acts or practices that may
13 be prevalent in the advertising or marketing of
14 firearms.

15 (B) CONSIDERATIONS.—In conducting the
16 investigation under subparagraph (A), the Com-
17 mission shall consider—

18 (i) advertising or marketing materials
19 that may—

20 (I) be designed to appeal to indi-
21 viduals who are younger than 18
22 years of age; or

23 (II) imply or encourage illegal
24 use of the advertised or marketed
25 product; and

1 (ii) advertising or marketing of semi-
2 automatic assault weapons.

3 (2) REPORT.—Not later than 1 year after the
4 date of the enactment of this Act, the Commission
5 shall submit to Congress a report on the investiga-
6 tion conducted under paragraph (1).

7 (b) REGULATIONS.—

8 (1) IN GENERAL.—Not later than 18 months
9 after submitting the report required by subsection
10 (a)(2), the Commission shall issue regulations under
11 section 553 of title 5, United States Code, to pro-
12 hibit any manufacturer, dealer, or importer of fire-
13 arms from engaging in any unfair or deceptive act
14 or practice related to the advertising or marketing of
15 firearms.

16 (2) REQUIREMENTS.—In issuing regulations
17 under paragraph (1), the Commission shall ad-
18 dress—

19 (A) unfair or deceptive advertising or mar-
20 keting that—

21 (i) may be designed to appeal to indi-
22 viduals who are younger than 18 years of
23 age;

24 (ii) may imply or encourage illegal use
25 of the advertised or marketed product; or

1 (iii) relates to the sale of semiauto-
2 matic assault weapons; and

3 (B) any other unfair or deceptive acts or
4 practices related to the advertising or mar-
5 keting of firearms by manufacturers, dealers, or
6 importers of firearms.

7 (c) ENFORCEMENT.—

8 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
9 TICES.—A violation of a regulation promulgated
10 under subsection (b) shall be treated as a violation
11 of a regulation under section 18(a)(1)(B) of the
12 Federal Trade Commission Act (15 U.S.C.
13 57a(a)(1)(B)) regarding unfair or deceptive acts or
14 practices.

15 (2) POWERS OF COMMISSION.—The Commis-
16 sion shall enforce the regulations promulgated under
17 subsection (b) in the same manner, by the same
18 means, and with the same jurisdiction, powers, and
19 duties as though all applicable terms and provisions
20 of the Federal Trade Commission Act (15 U.S.C. 41
21 et seq.) were incorporated into and made a part of
22 this section. Any person who violates a regulation
23 promulgated under subsection (b) shall be subject to
24 the penalties and entitled to the privileges and im-

1 munities provided in the Federal Trade Commission
2 Act.

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 section shall be construed to limit the authority of
5 the Commission under any other provision of law.

6 (d) DEFINITIONS.—In this section:

7 (1) COMMISSION.—The term “Commission”
8 means the Federal Trade Commission.

9 (2) FIREARM; IMPORTER; MANUFACTURER;
10 DEALER.—The terms “firearm”, “importer”, “man-
11 ufacturer”, and “dealer” have the meanings given
12 such terms in section 921(a) of title 18, United
13 States Code.

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