

118TH CONGRESS  
1ST SESSION

# S. 1737

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

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 Commerce, Science, and Transportation

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## 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.

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