STATE OF NEW YORK

4420

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the general business law, in relation to prohibiting gun industry members from directly advertising, marketing, promoting, designing, or selling certain firearm-related products in a manner that would encourage unlawful purchase, possession, or use by underage individuals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 898-b of the general business law, as added by chapter 237 of the laws of 2021, is amended to read as follows:

§ 898-b. Prohibited activities. 1. No gun industry member, by conduct either unlawful in itself or unreasonable under all the circumstances shall knowingly or recklessly create, maintain or contribute to a condition in New York state that endangers the safety or health of the public through the sale, manufacturing, importing or marketing of a qualified product.

2. All gun industry members who manufacture, market, import or offer for wholesale or retail sale any qualified product in New York state shall establish and utilize reasonable controls and procedures to prevent its qualified products from being possessed, used, marketed or sold unlawfully in New York state.

3. (a) No gun industry member shall advertise, market, promote, design, or sell any qualified product in a manner that reasonably appears to support, recommend, or encourage an underage individual to unlawfully purchase, possess, or use a qualified product in the state.

(b) In determining whether the conduct of a gun industry member, as described in paragraph (a) of this subdivision, reasonably appears to support, recommend, or encourage underage individuals to unlawfully purchase a qualified product, a court shall consider the totality of the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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circumstances, including, but not limited to, whether the marketing, advertising, promotion, design, or sale:

(i) uses caricatures that reasonably appear to be underage individuals or cartoon characters;

(ii) offers brand name merchandise for underage individuals, including, but not limited to, clothing, toys, games, or stuffed animals, that promotes a gun industry member or qualified product;

(iii) offers qualified products in sizes, colors, or designs that are specifically designed to be used by, or appeal to, underage individuals;

(iv) is part of a marketing, advertising, or promotion campaign designed with the intent to appeal to underage individuals;

(v) uses images or depictions of underage individuals in advertising or marketing, or promotion materials, to depict the use of qualified products; or

(vi) is placed in a publication created for the purpose of reaching an audience that is predominantly composed of underage individuals and not intended for a more general audience composed of adults.

(c) This subdivision shall not apply to communications or promotional materials regarding lawful recreational activity with a qualified product such as, but not limited to, practice shooting at targets on established public or private target ranges or hunting, fishing, or trapping in accordance with the environmental conservation law.

§ 2. Section 898-a of the general business law is amended by adding a new subdivision 7 to read as follows:

7. "Underage individual" means an individual below the lawful age to purchase, possess, or use a qualified product in the state.

§ 3. This act shall take effect immediately.