

STATE OF NEW YORK

7640

2023-2024 Regular Sessions

IN SENATE

August 23, 2023

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

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:

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

3 § 898-b. Prohibited activities. 1. No gun industry member, by conduct
4 either unlawful in itself or unreasonable under all the circumstances
5 shall knowingly or recklessly create, maintain or contribute to a condi-
6 tion in New York state that endangers the safety or health of the public
7 through the sale, manufacturing, importing or marketing of a qualified
8 product.

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

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

18 (b) In determining whether the conduct of a gun industry member, as
19 described in paragraph (a) of this subdivision, reasonably appears to
20 support, recommend, or encourage underage individuals to unlawfully
21 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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1 circumstances, including, but not limited to, whether the marketing,
2 advertising, promotion, design, or sale:

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

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

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

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

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

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

18 (c) This subdivision shall not apply to communications or promotional
19 materials regarding lawful recreational activity with a qualified prod-
20 uct such as, but not limited to, practice shooting at targets on estab-
21 lished public or private target ranges or hunting, fishing, or trapping
22 in accordance with the environmental conservation law.

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

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

27 § 3. This act shall take effect immediately.