

113TH CONGRESS
2D SESSION

H. R. 5093

To direct the Federal Trade Commission to prescribe rules prohibiting the marketing of firearms to children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2014

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 prescribe rules prohibiting the marketing of firearms to children, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Firearm
5 Marketing Safety Act”.

6 **SEC. 2. PROHIBITION OF MARKETING FIREARMS TO CHIL-**
7 **DREN.**

8 (a) CONDUCT PROHIBITED.—Not later than one year
9 after the date of the enactment of this Act, the Federal
10 Trade Commission shall promulgate rules in accordance

1 with section 553 of title 5, United States Code, to prohibit
2 any person from marketing firearms to children. Such
3 rules shall include the following:

4 (1) A prohibition on the use of cartoon char-
5 acters to promote firearms and firearm products.

6 (2) A prohibition on firearm brand name mer-
7 chandise marketed for children (such as hats, t-
8 shirts, and stuffed animals).

9 (3) A prohibition on the use of firearm mar-
10 keting campaigns with the specific intent to appeal
11 to children.

12 (4) A prohibition on the manufacturing of a
13 gun with colors or designs that are specifically de-
14 signed with the purpose to appeal to children.

15 (5) A prohibition on the manufacturing of a
16 gun intended for use by children that does not clear-
17 ly and conspicuously note the risk posed by the fire-
18 arm by labeling somewhere visible on the firearm
19 any of the following:

20 (A) “Real gun, not a toy.”.

21 (B) “Actual firearm the use of which may
22 result in death or serious bodily injury.”.

23 (C) “Dangerous weapon”.

24 (D) Other similar language determined by
25 the Federal Trade Commission.

1 (b) ENFORCEMENT.—

2 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
3 TICES.—A violation of a rule promulgated under
4 subsection (a) shall be treated as a violation of a
5 regulation under section 18(a)(1)(B) of the Federal
6 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) re-
7 garding unfair or deceptive acts or practices.

8 (2) POWERS OF COMMISSION.—The Federal
9 Trade Commission shall enforce this Act in the same
10 manner, by the same means, and with the same ju-
11 risdiction as though all applicable terms and provi-
12 sions of the Federal Trade Commission Act were in-
13 corporated into and made a part of this Act. Any
14 person who violates the regulations promulgated
15 under subsection (a) shall be subject to the penalties
16 and entitled to the privileges and immunities pro-
17 vided in the Federal Trade Commission Act.

18 (c) ACTIONS BY STATES.—

19 (1) IN GENERAL.—In any case in which the at-
20 torney general of a State has reason to believe that
21 an interest of the residents of such State has been
22 or is threatened or adversely affected by an act or
23 practice in violation of a rule promulgated under
24 subsection (a), the State, as *parens patriae*, may

1 bring a civil action on behalf of the residents of the
2 State in an appropriate State court to—

3 (A) enjoin such act or practice;

4 (B) enforce compliance with such rule;

5 (C) obtain damages, restitution, or other
6 compensation on behalf of residents of the
7 State; or

8 (D) obtain such other legal and equitable
9 relief as the court may consider to be appro-
10 priate.

11 (2) NOTICE.—Before filing an action under this
12 subsection, the attorney general, official, or agency
13 of the State involved shall provide to the Federal
14 Trade Commission a written notice of such action
15 and a copy of the complaint for such action. If the
16 attorney general, official, or agency determines that
17 it is not feasible to provide the notice described in
18 this paragraph before the filing of the action, the at-
19 torney general, official, or agency shall provide writ-
20 ten notice of the action and a copy of the complaint
21 to the Federal Trade Commission immediately upon
22 the filing of the action.

23 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
24 SION.—

1 (A) IN GENERAL.—On receiving notice
2 under paragraph (2) of an action under this
3 subsection, the Federal Trade Commission shall
4 have the right—

5 (i) to intervene in the action;

6 (ii) upon so intervening, to be heard
7 on all matters arising therein; and

8 (iii) to file petitions for appeal.

9 (B) LIMITATION ON STATE ACTION WHILE
10 FEDERAL ACTION IS PENDING.—If the Federal
11 Trade Commission or the Attorney General of
12 the United States has instituted a civil action
13 for violation of a rule promulgated under sub-
14 section (a) (referred to in this subparagraph as
15 the “Federal action”), no State attorney gen-
16 eral, official, or agency may bring an action
17 under this subsection during the pendency of
18 the Federal action against any defendant
19 named in the complaint in the Federal action
20 for any violation of such rule alleged in such
21 complaint.

22 (4) RULE OF CONSTRUCTION.—For purposes of
23 bringing a civil action under this subsection, nothing
24 in this Act shall be construed to prevent an attorney
25 general, official, or agency of a State from exercising

1 the powers conferred on the attorney general, offi-
2 cial, or agency by the laws of such State to conduct
3 investigations, administer oaths and affirmations, or
4 compel the attendance of witnesses or the production
5 of documentary and other evidence.

6 (d) DEFINITIONS.—In this section:

7 (1) CHILD.—The term “child” means an indi-
8 vidual that is less than 18 years of age.

9 (2) FIREARM.—The term “firearm” has the
10 meaning given that term in section 921 of title 18,
11 United States Code.

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