



August 5, 2026

Via Federal eRulemaking Portal

Submitted via Regulations.gov

The Honorable Todd Blanche,
Acting Attorney General of the United States

Robert Cekada,
Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

RE: Comment on Notice of Proposed Rulemaking to Remove Youth Handgun Safety Act Notice Requirement.

Dear Acting Attorney General Todd Blanche and ATF Director Robert Cekada,

We, the undersigned Attorneys General of Maryland, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, Virginia, and Washington (“the States”), write in opposition to the Notice of Proposed Rulemaking issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), Removing Youth Handgun Safety Act Notice, 91 Fed. Reg. 25187 (proposed May 8, 2026) (to be codified at 27 C.F.R. § 478) [hereinafter, “Proposed Rule”]. The Proposed Rule would eliminate Department of Justice (“DOJ”) regulations implementing the Youth Handgun Safety Act (“YHSA”), such that federal firearms licensees (“FFLs”) would no longer be required to post signs and provide written notice of the YHSA’s provisions to handgun purchasers.

As addressed in this comment letter, the Proposed Rule is arbitrary and capricious and harmful to the States. Accordingly, the States urge ATF to withdraw the Proposed Rule and maintain the existing notice requirements. As Attorneys General, we are deeply concerned that the Proposed Rule will have a detrimental impact on the firearm regulatory landscape. By removing the only point-of-sale notice warning handgun purchasers about the consequences of youth handgun possession and use, ATF is sending a dangerous message about its willingness to ease the responsibilities of FFLs at the expense of public safety.

I. INTRODUCTION

In 1994, Congress passed the YHSA, finding it “necessary and appropriate to assist the States in controlling violent crime by stopping the commerce in handguns with juveniles nationwide and allowing the possession of handguns by juveniles only when handguns are possessed and used under certain limited circumstances.”¹ Under the YHSA, 18 U.S.C. § 922(x), it is unlawful to sell, deliver, or transfer to a juvenile a handgun or handgun ammunition and for a juvenile to knowingly possess these items.

Following the YHSA’s enactment, President Clinton issued a memorandum in 1997 addressed to the Secretary of the Treasury requesting specific action to respond to the “national tragedy” of criminal use of firearms by young people.² At the time, “the number of juvenile offenders committing homicides by firearms [had] nearly quadrupled” in the preceding decade, “firearms [were] the fourth leading cause of accidental deaths among children ages 5 and 14,” and firearms were “the primary method by which young people commit[ed] suicide.”³ In addition to proposing comprehensive legislation, the President directed the Secretary of the Treasury to enforce the YHSA “and specifically, consistent with [the Secretary’s] statutory authority, to promptly publish in the Federal Register proposed regulations requiring that signs be posted on the premises of FFLs and that written notification be issued with each handgun sold to non-licensees”⁴

In response to that Presidential memorandum and pursuant to its authority under the Gun Control Act (“GCA”), ATF published a final rule in 1998, Posting of Signs and Written Notification to Purchasers of Handguns (“1998 Final Rule”).⁵ Under the 1998 Final Rule, FFLs are currently required to (1) display a sign at their licensed premises and (2) provide written notice to non-licensee purchasers. The required sign (ATF I 5300.1) reads as follows:

- (1) The misuse of handguns is a leading contributor to juvenile violence and fatalities.
- (2) Safely storing and securing firearms away from children will help prevent the unlawful possession of handguns by juveniles, stop accidents, and save lives.
- (3) Federal law prohibits, except in certain limited circumstances, anyone under 18 years of age from knowingly possessing a handgun, or any person from transferring a handgun to a person under 18.

¹ 27 C.F.R. § 178.

² Administration of William J. Clinton, “Memorandum on Enforcing the Youth Handgun Safety Act,” 33 Weekly Comp. Pres. Doc 856 (June 11, 1997).

³ *Id.*

⁴ *Id.*

⁵ 27 C.F.R. § 178.

(4) A knowing violation of the prohibition against selling, delivering, or otherwise transferring a handgun to a person under the age of 18 is, under certain circumstances, punishable by up to 10 years in prison.

The written notification to non-licensees must include the above YHSA notice as well as the relevant provisions of federal law, either by using ATF I 5300.2 or including the information in the sales receipt, invoice, or other packing material.⁶ These requirements have been in place and consistently followed by the FFL community for over 28 years.

In April 2026, DOJ and ATF issued 34 notices of final and proposed rulemaking as part of their effort to “reduce unnecessary burdens on law-abiding citizens and businesses.”⁷ However, ATF’s longstanding regulations designed to prevent youth handgun possession and promote public safety are far from “unnecessary burdens.” For only minute cost savings to FFLs, estimated at three cents per notice, the Proposed Rule would eliminate the requirements for FFLs to post the sign and provide notification concerning youth handgun possession and use, as described above.⁸

As explained below, the Proposed Rule is arbitrary and capricious for two primary reasons: (1) ATF failed to acknowledge its change in position regarding authority under the GCA; and (2) ATF failed to reasonably explain why it declined to maintain the rule in its current form, and in doing so, ignored an important aspect of the problem. Additionally, the Proposed Rule will harm the States by rescinding notice requirements despite the ongoing need for a comprehensive approach to address gun violence in this country. For all these reasons, ATF should withdraw the Proposed Rule.

II. THE PROPOSED RULE IS ARBITRARY AND CAPRICIOUS.

As a threshold matter, it is unclear whether ATF issued the Proposed Rule because ATF believes it lacks authority under the GCA or because the Proposed Rule will advance ATF’s preferred policy outcome. However, both positions are arbitrary and capricious. First, ATF has clear statutory authority to enforce the GCA by implementing the notice and warning requirements set forth in the 1998 Final Rule. Second, ATF does not reasonably explain its decision to remove notice requirements altogether, instead minimizing the true costs of the rule which clearly outweigh any benefits to FFLs.

⁶ Proposed Rule at 25188.

⁷ ATF, DOJ and ATF Announce Regulatory Reforms to Reduce Burdens on Law-Abiding Gun Owners and Businesses (Apr. 29, 2026), <https://www.atf.gov/news/press-releases/doj-and-atf-announce-regulatory-reforms-to-reduce-burdens-law-abiding-gun-owners-and-businesses>.

⁸ The Smoking Gun, *ATF Aims to Cut Gun Safety Warnings Meant to Protect Kids* (June 9, 2026), <https://smokinggun.org/atf-aims-to-cut-safety-warnings-meant-to-protect-kids/>.

A. ATF's Assertion that it Lacks Authority is Erroneous.

In the Proposed Rule, ATF asserts that “[n]othing in the [GCA] requires, *or authorizes*, the separate sort of notice, or signs, that the [1998 Final Rule] requires.”⁹ ATF claims that after “reevaluat[ing],” it now agrees with previous commenters that “the GCA does not require any sort of warning or notification under section 922(x).”¹⁰ However, ATF’s apparent position that it lacks authority to mandate warnings and notice under the GCA is both unexplained and incorrect.

In response to comments on the 1998 Final Rule challenging ATF’s authority to require licensees to inform prospective handgun purchasers about the YHSA, ATF stated that its “statutory authority to issue regulations to implement the GCA is clear” and that “this type of requirement is not unprecedented.”¹¹ That is, the GCA authorizes the Attorney General to issue “rules and regulations as are necessary to carry out” the statute, and the Attorney General delegated this authority to the Director of ATF.¹² Courts have recognized that this broad authorization “almost inevitably confers some measure of discretion to determine what regulations are in fact ‘necessary.’”¹³ The President himself recognized ATF’s broad regulatory authority in the initial memorandum underlying the 1998 Final Rule.¹⁴

Invoking its authority under the GCA, ATF published the 1998 Final Rule to “accomplish the goal of preventing inadvertent violations of the law without unduly burdening licensees or handgun purchasers.”¹⁵ In response to commenters on the 1998 Final Rule, ATF explained that the mandatory ATF Form 4473 similarly contains detailed explanations about federal law, including other GCA provisions.¹⁶ In contrast, the YHSA was never otherwise addressed during a firearms transaction.¹⁷ The decision to fill this gap with a point-of-sale notice and signage requirement was entirely within ATF’s discretion to implement the GCA.

Without acknowledging why, ATF has suddenly decided that it lacks authority to require warning or notification under the YHSA. ATF does not contend that the 1998 Final Rule was an unlawful agency action but quietly asserts that the notice requirement was beyond the scope of its authority to enforce the GCA. Not so. ATF must explain and clarify its position as to its own legal authority and reevaluate the Proposed Rule accordingly.

⁹ Proposed Rule at 25188 (emphasis added).

¹⁰ *Id.*

¹¹ 27 C.F.R. § 178.

¹² 18 U.S.C. § 926(a); *see also* Proposed Rule at 25188.

¹³ *National Rifle Ass’n v. Brady*, 914 F.2d 475, 479 (4th Cir. 1990).

¹⁴ Administration of William J. Clinton, “Memorandum on Enforcing the Youth Handgun Safety Act,” 33 Weekly Comp. Pres. Doc 856 (June 11, 1997) (“Existing law already bans the transfer of handguns to minors and juvenile possession of handguns . . . and grants [ATF] authority to prescribe rules and regulations to implement this provision.”).

¹⁵ 27 C.F.R. § 178.

¹⁶ *Id.*

¹⁷ *Id.*

B. ATF Failed to Provide a Reasoned Explanation for its Rejection of a Superior Alternative.

The Proposed Rule is not only arbitrary because ATF relied upon a flawed legal premise, but also because ATF did not fully weigh the likely costs against the purported benefits. ATF rejected Alternative 1, the “no-action alternative,” with little explanation, simply stating that “other alternatives provide more benefits by removing burdens for FFLs.”¹⁸ Although ATF recognizes the benefits of educating the public about the law through its community outreach and regulatory efforts in other contexts, ATF assigns no weight to the educational benefits of the Proposed Rule. The exclusion of such benefits is illogical and arbitrary.

The Proposed Rule contains an estimate that at three cents per black-and-white paper notice, each FFL would save an average of \$16 annually.¹⁹ ATF characterizes the cost of a piece of paper as an “undue burden” on FFLs, without adequately weighing the public safety rationale for its existence.²⁰ ATF itself briefly refers to the “risk that the public might not be informed of existing requirements not to deliver or transfer firearms to juveniles.”²¹ However, without considering the adverse impact of that risk, ATF concludes that risk is “de minimis” solely because the publication of the YHSA in the Statutes at Large and the U.S. Code self-executes notice.²²

ATF further assumes that usage of the internet has increased FFLs’ and the public’s awareness of the risks associated with youth access to handguns but provides zero evidence for that assumption.²³ By failing to address these public safety concerns, ATF neglects to reasonably explain why it opted for the deregulatory alternative. The value of notice to keep handguns out of young people’s hands certainly outweighs an annual (at most) \$16 printing fee, but ATF’s arbitrary analysis does not capture the deadly consequences of even one misplaced handgun. As noted further below, gun violence and firearm suicides are at a crisis point with respect to American youth.

Indeed, ATF acknowledges the benefits of notice and education through its other community outreach initiatives but does not address those benefits here. ATF collaborates with various stakeholders in a coordinated effort to “incorporate educational, community-oriented, and policy-driven activities to help keep our communities safe.”²⁴ For example, ATF partners with a firearm industry trade association, the National Shooting Sports Foundation (NSSF), on the “Don’t Lie for the Other Guy” campaign to educate the public about the penalties associated with buying a gun for someone who cannot legally buy one for themselves, or straw

¹⁸ Proposed Rule at 25190.

¹⁹ Proposed Rule 25189-90.

²⁰ *Id.* at 25188.

²¹ *Id.* at 25190.

²² *Id.*

²³ *Id.* at 25188.

²⁴ ATF, *Community Outreach*, <https://www.atf.gov/about/community-outreach>.

purchasing.²⁵ ATF explicitly acknowledges the power of FFLs as the “first line of defense” in preventing such purchases:

*“By posting prominent signage in the store indicating the illegality and penalties associated with straw purchases, retailers can deter attempts and raise public awareness. Sharing information and best practices for preventing straw purchases with other gun retailers and the public can lead to a broader understanding of the tactics used by individuals attempting to make straw purchases.”*²⁶

ATF also creates and circulates educational campaign posters to deter gun trafficking.²⁷

Despite ATF’s repeated recognition of the power of raising public awareness, ATF asserts that there is no benefit in the YHSA notice requirements here. This is a factual error. In the Proposed Rule, ATF erroneously claims that the sole purpose of the 1998 Final Rule was “advis[ing] handgun purchasers of the still relatively new requirements of the YHSA,” which are no longer “relatively new.”²⁸ However, the former President’s directive, which drove the adoption of the 1998 Final Rule, sought to “inform gun purchasers about their responsibility under Federal law to keep handguns from our children” and “ensure that gun purchasers are warned about the frequency with which handguns kill or injure our kids,” information and efforts which remain critical today.²⁹ In addition to the enforcement authority in federal firearms regulations, providing notice to gun sellers and purchasers can serve as a deterrent to lawbreaking in the first place, and such education plainly has a positive impact on adherence to the rule of law. Indeed, as detailed further below, public awareness campaigns have been found to have concrete and measurable impact on the viewer’s knowledge of the dangers posed by firearms.

ATF also attempts to justify the Proposed Rule by referencing its discussion of legal requirements with FFL applicants during their interview process.³⁰ However, even if first-time FFL applicants become aware of the YHSA at that stage, nothing about the application process ensures that *non-licensee purchasers* are informed of the risks of youth access to handguns, the importance of safe storage, and the criminal penalties for those who provide guns to anyone under the age of 18.

If the Proposed Rule is finalized, there would be no point-of-sale notice to prevent individuals from inadvertently delivering a handgun to a juvenile due to their unfamiliarity with

²⁵ ATF, *Don't Lie for the Other Guy*, <https://www.atf.gov/firearms/tools-services-law-enforcement/atf-firearms-programs/dont-lie-other-guy>.

²⁶ *Id.* (emphasis added).

²⁷ ATF, *Anti Firearms Trafficking Campaign Posters*, <https://www.atf.gov/firearms/tools-services-law-enforcement/anti-firearms-trafficking-campaign/campaign-posters>.

²⁸ Proposed Rule at 25188.

²⁹ Administration of William J. Clinton, “Memorandum on Enforcing the Youth Handgun Safety Act,” 33 Weekly Comp. Pres. Doc 856 (June 11, 1997).

³⁰ Proposed Rule at 25188.

the law. That lack of notice would heighten the risk of such transfer and misuse, posing deadly costs that ATF does not even attempt to address.

III. **THE PROPOSED RULE WILL HARM THE STATES.**

Gun violence is an enduring threat to youth in this country, and ATF should honor Congress's decision to keep handguns out of juveniles' hands by maintaining the point-of-sale reminder. The harms raised by the 1997 Presidential memorandum included the rise in juvenile offenders committing homicides with firearms, firearms causing accidental deaths among youth, and firearms being the primary method of suicide for youth.³¹ Tragically, the prevalence of firearm-related death and youth handgun misuse has only worsened since that time, further weighing in favor of retaining a rule intended to combat these issues.

In 2020, firearms became the leading cause of death for children and teens in the U.S.³² Among youth, gun violence has a disproportionate negative impact on children and teens in urban areas, particularly on Black and Latino children.³³ Additionally, firearm suicide rates are increasing at the highest rate for young people ages 10 to 24.³⁴ Researchers are continuing to explore the reasons for this crisis, which has been accompanied by an unprecedented surge in gun sales.³⁵ Indeed, when children are exposed to gun violence, there are far-reaching impacts on their physical and mental health, school performance, and overall well-being.³⁶

In enacting the YHSA, Congress found that firearm misuse by and around youth often stems from easy access to handguns.³⁷ At the time of the 1994 legislative session, states varied widely in their approach to regulating youth handgun possession. While some states restricted possession of handguns by youth under age 18, others prohibited it with several exceptions for educational and recreational purposes.³⁸ Inconsistent state laws and the rise of criminal firearm use warranted a nationwide solution, culminating in the YHSA. Today, the staggering rates of firearm-related deaths and injuries call for maintaining our commitment to clear and informative firearm regulations to prevent youth handgun misuse.

ATF wrongfully assumes that every individual is aware of the YHSA's provisions and that further efforts to educate the public are worthless. However, public health awareness campaigns on the safe storage of handguns have proven effective. For example, the "End Family

³¹ Administration of William J. Clinton, "Memorandum on Enforcing the Youth Handgun Safety Act," 33 Weekly Comp. Pres. Doc 856 (June 11, 1997).

³² Everytown Rsch. & Pol'y, *The Impact of Gun Violence on Children and Teens* (May 29, 2019), <https://everytownresearch.org/report/the-impact-of-gun-violence-on-children-and-teens/>.

³³ *Id.*

³⁴ Everytown Rsch. & Pol'y, *Too Many, Too Soon: Youth Firearm Suicide in the United States* (June 6, 2022), <https://everytownresearch.org/report/the-impact-of-gun-violence-on-children-and-teens/>.

³⁵ *Id.*

³⁶ Everytown Rsch. & Pol'y, *The Impact of Gun Violence on Children and Teens* (May 29, 2019), <https://everytownresearch.org/report/the-impact-of-gun-violence-on-children-and-teens/>.

³⁷ 27 C.F.R § 178.

³⁸ DOJ Office of Justice Programs, *Juvenile Justice Reform Initiatives in the States 1994-1996* (Oct. 1, 1997), <https://www.ojp.gov/pdffiles/reform.pdf>.

Fire” campaign launched by Brady and the Ad Council in August 2018 encourages safe storage of handguns to prevent misuse at home.³⁹ In 2023, an Ad Council study of nearly 2,000 adults living in gun-owning households revealed the following: 58% of respondents who knew about the campaign began storing firearms in a safer way; 31% of aware respondents sought out information about how to safely store their firearms; and 41% of aware respondents talked to friends or family about safe storage.⁴⁰ This initiative is only one example of the tangible impact awareness can have on changing attitudes and behaviors around gun usage and safe storage. As gun violence continues to be a national crisis, ongoing notices and signage about the YHSA can increase awareness for handgun purchasers, community members, and juveniles who may be deterred from breaking the law.

Finally, a common basis for revocation of an FFL is the willful transfer of a firearm to a prohibited person, which includes juveniles under the YHSA.⁴¹ Paper notices and signage are additional preventive measures to ensure compliance and avoid violations.

* * *

For all these reasons, the States oppose the Proposed Rule and request that ATF retain the written YHSA notice and signage requirements. Removing a regulation that facilitates greater awareness of the law for minimal benefits to FFLs conflicts with ATF’s mission to promote public safety.

Sincerely,



ANTHONY G. BROWN
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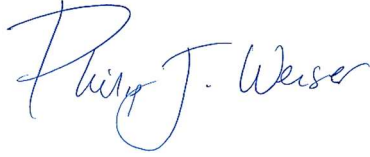


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³⁹ Brady: United Against Gun Violence, *Brady and the AD Council Partner With Dentsu for Latest in Award-Winning End Family Fire Campaign to Promote Safe Gun Storage* (July 11, 2023), <https://www.bradyunited.org/press/safe-stories-psa>.

⁴⁰ *Id.*

⁴¹ ATF, *Revocation of Firearms Licenses*, <https://www.atf.gov/firearms/tools-and-services-firearms-industry/current-licensees/revocation-firearms-licenses>.



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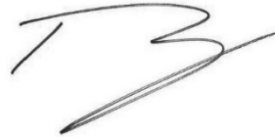
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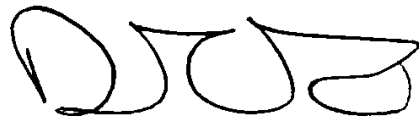
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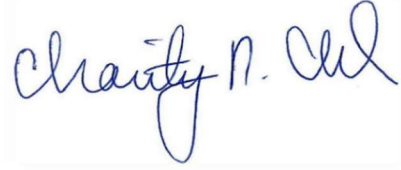
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