



CRPA is receiving many questions about the [newly adopted amendments to AB 2571](#) (Youth Marketing Ban) and how they affect different entities. This quick breakdown of the bill should help organizations, individuals, groups, and teams to decide what is best for them. The bill's revised language does not impact entities the same, so please pay careful attention.

As an initial matter, the new language made California's youth marketing ban, in some ways, even more convoluted and vague than it already was. The amendments did nothing to address the vagueness and overbreadth inherent in a law that flatly bans speech on the grounds that it may "reasonably appear to be attractive to minors." And while *some* speech by *some* groups has been expressly exempted from the ban, deciding if and when that exemption applies may prove to be a difficult task in itself. Because of the lack of clarity in the bill's language, it is still unclear what speech is banned, and entities are cautioned to weigh the risk of engaging in any speech that might be swept up by the law until the courts have weighed in on CRPA's legal challenge.

The revised language does not affect the standing of any of the current plaintiffs in *Junior Sports Magazines v. Bonta*, as the law still applies to each of them in many ways depending on their activities.

Youth Shooting Publications: The revised language does not materially change the law's impact on these types of publications to the extent they rely on advertising of "firearm-related products," including firearms, ammunition, parts, and accessories, and other speech promoting firearm industry members in either the print magazine or online. If a publisher could even survive a ban on such advertising or sponsorship, it might be able to distribute magazines to youth in California. But no portion of the publication should include an endorsement or promotion of "firearm-related products," through traditional advertisements, articles, or other content.

Youth Shooting Groups or Teams: The amendments to the AB 2571 expressly exempt from the ban speech "offering or promoting," among other things, "any sport shooting event or competition" or "youth hunting program." To be clear, this exemption is limited to promotion of such programs, ***not the speech that takes place at those events***. So, while youth shooting organizations, groups, or teams may likely resume advertising, registering participants for, and hosting such events, they should take precautions to ensure that no speech that might encourage recipients to buy any "firearm-related product" takes place. This means that no vendors or sponsors selling or advertising "firearm-related products" should be on site at any event. There should be no banners, posters, flyers, handouts, or other materials bearing the logos or promotional materials of makers or sellers of "firearm-related products" at competitions, events, or practices. Coaches and trainers should refrain from endorsing any "firearm-related product" or suggesting that their athletes (or their parents) purchase gear for competition. And there should be no logos or promotion of makers or sellers of "firearm-related products" on uniforms, shooting jerseys, or participant giveaways (e.g., t-shirts, bags, sunglasses, etc.).

Individual Trainers & Coaches: The amendments to the AB 2571 also exempt speech "offering or promoting," "any firearm safety program, hunting safety or promotional program, [or] firearm instructional course." Again, this exemption is limited to promotion of such programs. Individual trainers and coaches may thus resume offering training to minors, but they should be careful not to engage in any speech that might encourage recipients to buy any "firearm-related product." When training children, the trainer should not wear anything bearing a "firearm-related product" logo. Nor should the trainer publicize any firearm or ammunition sponsorship to their minor trainees. There should be no materials bearing the logos or promotional materials of makers or sellers of "firearm-related products"

at training programs. Even endorsing a product by saying “a firearm of this kind would be good for you,” could also expose you to civil liability under the revised bill.

Membership Organizations: The amendments also exempt “communication[s] offering or promoting membership in any organization.” So groups may resume communications to youth, may advertise and sell youth memberships, sponsor, host, or participate in youth sport shooting and hunting events, and do training. But still, they may not engage in any speech that might encourage recipients to buy any “firearm-related product” if it “reasonably appears attractive to minors,” whatever that means. Because it is hard to say exactly where the line is drawn, treading carefully is advised. Organizations that publish magazines, newsletters, or similar communications may not run advertisements or articles promoting a “firearm-related product” if it might be “attractive to minors.” They should evaluate all “swag” they offer to determine whether it offends the law. And they should refrain from hosting or sponsoring any youth event where vendors will be selling or advertising “firearm-related products” or where banners, posters, flyers, handouts, or other materials bearing the logos or promotional materials of makers or sellers of “firearm-related products” are present.

Ranges: As we have advised since AB 2571 passed, ranges are not required to ban kids from their properties. They should, however, consider whether any banners, posters, flyers, handouts, or other materials bearing the logos or promotional materials of makers or sellers of “firearm-related products” might be “attractive to minors.” If kids are shooting at the range, it may be advisable to remove these types of banner and advertisements.

Hunting Groups: The amendments to the AB 2571 expressly exempt the “*promotion* of lawful hunting activity, including, but not limited to, any fundraising event, youth hunting program, or outdoor camp.” Once again, this exemption is limited to promotion of such programs, ***not the speech that takes place at those events***. So, while hunting and conservation groups may likely resume advertising, selling tickets to, and hosting such events for youth, they should take precautions to ensure that no speech that might encourage recipients to buy any “firearm-related product” takes place. This means that no vendors or sponsors selling or advertising “firearm-related products” should be on site at any event. There should be no banners, posters, flyers, handouts, or other materials bearing the logos or promotional materials of makers or sellers of “firearm-related products” at events. No junior-size products (or products in “fun” colors) should be promoted. And there should be no logos or promotion of makers or sellers of “firearm-related products” on participant giveaways (e.g., t-shirts, bags, sunglasses, etc.). Additionally, while promotion of such events is fine, fundraisers where children are likely to be present (especially raffles or silent auctions) should not include “firearm-related products” “designed to be used by, or appeal to, minors” or displays that “reasonably appear to be attractive to minors.”

Finally, while the amendments expressly exempted speech promoting youth hunting and sport shooting events, the law is silent about promotion of youth recreational shooting events (i.e., not hunting or competitive shooting). It is unclear whether promotion of such events is allowed under the amended law.

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