



# California 4-H Shooting Sports and AB 2571 (Firearms Advertising to Minors)

*The following represents a final analysis of the law, as determined by UC legal counsel.*

## Background

**The UC ANR 4-H program conducts a wide range of shooting sports projects, including archery and a range of shooting activities using air guns, rifles, shotguns, and pistols.**

- The 4-H projects include, among other things, training in the use of firearms, target shooting, hunting sports, and shooting competitions, and have an overarching focus on youth development and safe and responsible firearm use.
- 4-H promotes its shooting sports projects on its 4-H program websites, on social media, and in materials distributed to interested participants.

## Determination

**AB 2571 does not apply to 4-H's promotional activities.**

- AB 2571 applies to advertising and marketing by firearm industry members.

**The University of California and UC ANR are not included in the definition of "firearm industry member".**

- UC and UC ANR do not manufacture, distribute, import, market or sell firearm-related products.
- UC and UC ANR were not formed for the express purpose of "promoting, encouraging, or advocating the purchase, use or ownership" of firearm-related products.

**4-H promotional activities are not advertising or marketing as defined by AB 2571.**

- The promotional activities for the shooting sports projects are undertaken by 4-H directly through its own websites, social media, and materials and are not communications made or arranged "in exchange for monetary compensation."

**There remains a risk that the 4-H promotional activities could be challenged under the enforcement provisions of the statute.**

- It is unlikely that the State would pursue an enforcement action against UC ANR for penalties under the Act.

- An individual harmed by the use of a firearm by a 4-H member or a minor reached by 4-H promotional activities could bring a claim under the statutory private right of action.

## Recommendation

**UC ANR could take simple steps to help insulate it from liability and to comply with the spirit of the new law.**

- 4-H could tailor its promotional materials to more clearly target the parents of prospective participants and eliminate the depiction of minors using firearms in its materials.
- All 4-H shooting sports promotional material, particularly postings on websites and social media, should be approved by and distributed or “posted” by a UC ANR employee involved in the 4-H program.

## Application

**The information in this fact sheet applies only to the promotional activities of UC ANR and 4-H.**

- It does not apply to program partners or collaborators, such as ranges.
- All entities external to UC ANR and 4-H must examine their own risk and liability under the law.

## Frequently Asked Questions

**What protection(s) does the University of California offer volunteers while acting within the course and scope of their duties?**

- Volunteers are agents of the University, similar in some respects to a UC employee. The California Government Code Section 995 et seq. and UC policy (<http://www.universityofcalifornia.edu/regents/policies/4202.html>) require UC to defend current and former employees in a civil action for acts or omissions in the course and scope of employment (assuming no ultimate proof of malice, corruption, or fraud). Other California laws also protect volunteers serving non-profit corporations. Also, 4-H is a federal program, and some federal protections exist for volunteers. In any event, the University of California would conduct a factual analysis to determine the extent UC would be liable if a volunteer was sued civilly or fined by a regulatory body. There is no criminal prosecution under AB 2571. This bill modifies the California Business and Professional Code, not the Penal Code. Therefore, any action would be civil and not criminal, which, as indicated, means that agents of the University of California are covered by California law and UC policy.

**Have there been any amendments to the law?**

- [AB 160 \(Public Safety Trailer Bill\)](#) was passed on September 29, 2022, and amended the language contained in AB 2571. The amended language provides an exemption for "any advertising that is offering or promoting classes or events related to firearm safety, hunting, or sport shooting, as specified, or promoting membership in any organization." It goes on to further specify that communications offering or promoting the following, do not apply under the law:
  - Firearm safety programs

- Hunting safety or promotional programs
- Firearm instructional courses
- Sport shooting events or competitions
- Any similar programs, courses, or events
- Membership in any organizations
- Lawful hunting activities
- Fundraising events
- Youth hunting programs
- Outdoor camps

**Has this law been challenged in court?**

- [Junior Sports Magazines v. Bonta](#) [Case No.: 2:22-cv-04663-CAS (JCx)] was filed on July 8, 2022, in the United States District Court, Central District of California, by the law firm Michel & Associates. The Plaintiffs in the case are Junior Sports Magazines, Inc., Raymond Brown, California Youth Shooting Sports Association, Inc., Redlands California Youth Clay Shooting Sports, Inc., California Rifle & Pistol Association, Incorporated, The CRPA Foundation, Gun Owners of California, Inc., and Second Amendment Foundation. The defendant is Rob Bonta, in his official capacity as Attorney General of the State of California. Litigation remains pending.

**I heard an injunction has been filed. What is the current status of the injunction?**

- A hearing was held on October 18, 2022, in the United States District Court, Central District of California, to address the pending Motion for Preliminary Injunction. The request was not granted, as the court did not find sufficient reason to issue an injunction.

**How should project leaders respond to requests for firearm and/or equipment recommendations?**

- It is important to remember that AB 2571 is directed at firearm industry members and restricts them from using advertising that would appeal to minors. As outlined in the determination made by UC legal counsel and further exempted in AB 160, our programs do not fall into this prohibitive category. Our programmatic mission is to educate. As such, a project leader acting as a subject matter expert within their certified discipline may:
  - Speak with parents regarding the best firearm for a particular discipline or competition.
  - Educate members as to why one type of firearm may be preferable to another based on the shooter and intended use. For example, barrel length, weight, gauge, caliber, etc.
  - Make recommendations for specific firearms and/or equipment, provided they are not in violation of the University's [Conflict of Interest \(COI\) policy](#). The University of California COI policy prohibits volunteers and/or members of their immediate family from making any recommendation that would benefit them financially.

**Please feel free to contact your California State 4-H Shooting Sports Coordinators with any additional questions or concerns:**

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