

ONLINE FIREARM SALES – THERE IS NO “INTERNET LOOPHOLE”

Many gun control proponents have an infatuation with the word “loophole”. Loopholes are historically the means that politicians claim criminals acquire firearms. These mislead antigun proponents point to loopholes, especially in the case of online firearm sales, as a means to avoid the federally required background check for all retail firearm sales. This is a falsehood perpetuated by people who are unaware of firearm commerce regulations and politicians who know better but choose to obfuscate the truth. Another misconception is that online firearm sales ship directly to the buyer’s door, which is illegal, and not a practice of legitimate businesses. Many law-abiding gun owners shop online for firearms due to the ease of comparing prices and features. Price shopping for firearms online is habitual for many consumers and is a phenomenon across multiple industries. All online stores that sell firearms must have a Federal Firearm License (FFL), are required to comply with all federal, state and local laws and regulations and are subject to inspections by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

In order to purchase a firearm online, a purchaser has to supply a plethora of personal information, along with their choice of local FFL, or firearm retailer, the firearm has to ship to. After payment is rendered and shipment is facilitated, which has its own set of strict regulations, the firearm is delivered to the destination FFL.

- Federal law requires that all firearms sold by a licensed retailer are conducted face-to-face at the retailer’s place of business and only after a background check is performed.
- The internet allows consumers to shop online, place orders and pay for them in advance, but the firearm can only be obtained in a face-to-face transaction after a background check is conducted by a federally licensed dealer.
- So-called “internet dealers” are required to have a federal firearms license to conduct business.
- It is already illegal to be engaged in the business of selling firearms without a federal firearms license.
- Online firearm sales must ship to an FFL, legitimate businesses do not ship firearms directly to a customer.

The retailer facilitating the transfer records the shipment of the firearm then contacts the buyer, and when they come into the shop, a federally mandated background check is conducted per federal and some local regulation to complete a firearm transfer. All online firearm retailers make it perfectly clear that these regulations are mandatory. It is important to note that online firearm sales require an in-person background check like any other retail firearm transfer. The vast majority of all firearms sold are purchased through an FFL and subject to a background check, again, online firearm sales adhere to this process. The only carveout that is not subject to the forementioned regulations are private person-to-person sales. These private gun sales are marketed online but conducted in person. When a politician calls for elimination of all online sales, they are including private in person

transfers which are perfectly legal to conduct in most states.

The firearm and ammunition industry is the most heavily regulated industry in the United States. Manufacturers and FFLs risk revocation of their license for a single instance of paperwork error. As the industry trade association, we work closely with regulators, like the ATF, to keep manufacturers and FFLs up to date. Adherence to federal background check requirements is critical in order for our retailers to conduct legal transfers and stay in business. Regardless of where payment might take place, all retail firearm transfers are conducted in person and in accordance with the 1993 Brady Act. The NSSF urges lawmakers to understand the fallacy of online firearm sale “loopholes” and instead propose and support legislation that strengthens our current, successful background check system through FBI NICS.