

CALIFORNIA DEPARTMENT OF JUSTICE
TITLE 11. LAW
DIVISION 5. FIREARMS REGULATIONS
CHAPTER 2. CALIFORNIA FIREARM DEALERS

NOTICE OF PROPOSED RULEMAKING

Notice published July 31, 2026

The Department of Justice (Department) proposes to amend section 4022 of title 11, division 5, chapter 2, concerning requirements for California firearms dealers and the firearm industry standard of conduct.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **September 15, 2026**, at **5:00 p.m.** Only written comments received by that time will be considered. Please submit written comments to:

L. Baladjay-Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2621
bofregulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority cited: Sections 26720, Penal Code; and Section 3273.51, Civil Code.

Reference: Sections 16585, 26805, 26810, 26815, 26820, 26825, 26830, 26835, 26840, 26845, 26850, 26855, 26860, 26865, 26870, 26875, 26885, 26890, 26900, 26905, 26910, 27500, 27505, 27510, 27515, 27520, 27525, 27530, 27535, 27540, 27545, 27550, 27555, 28050, 28055, 28060, 28065, 28100, 28160, 28165, 28170, 28175, 28180, 28205, 28210, 28215, 28220 and 31700,

Penal Code; Section 3273.51, Civil Code; and Title 47, Parts 478.124, 478.124a and 478.125, Code of Federal Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Existing law requires the Department to inspect firearm dealers at least every three years to ensure compliance with any applicable state law (Pen. Code, § 26720), including firearms transfer requirements¹, firearms dealer records and record retention requirements² and firearm dealership facility requirements³. The dealer shall ensure that the Department field representative has access to all firearm transaction records, firearm inventory, security features, and the business premises for inspection. (Cal. Code Regs., tit. 11, § 4022.) Dealers must also provide all dealer licenses and permits⁴, locate firearms that are in the waiting period according to the dealer's records or records of the Department, clarify unclear or conflicting entries contained in the firearms transaction records, and identify the type and location of security measures and devices used at the business. (*Ibid.*)

Existing law establishes a firearm industry standard of conduct, which requires a firearm industry member, as defined in Civil Code section 3273.50, subdivision (f), to establish, implement, and enforce reasonable controls, as defined, and to take reasonable precautions to ensure that the member does not sell, distribute, or provide a firearm-related product, as defined, to a downstream distributor or retailer of firearm-related products who fails to establish, implement, and enforce reasonable controls. (Civ. Code, § 3273.51, subs. (a) and (b).) For these purposes, existing law defines firearm accessory and firearm manufacturing machine. (Civ. Code, § 3273.50, subs. (c) and (g).)

Assembly Bill 1263 (Chapter 636, Statutes of 2025) amended Civil Code section 3273.51 to prohibit a person from knowingly or willfully causing another person to engage in the unlawful manufacture of firearms or knowingly or willfully aiding, abetting, prompting, or facilitating the unlawful manufacture of firearms, including the manufacture of assault weapons or .50 BMG rifles or the manufacture of any firearm using a three-dimensional printer or computer numerical control (CNC) milling machine.

Prior to completing the sale or delivery in California or to a California resident of a firearm accessory or a firearm manufacturing machine, as described in Civil Code section 3273.50, or of a firearm barrel unattached to a firearm, a firearm industry member shall:

- Provide a prospective purchaser with a clear and conspicuous notice of the information provided in Civil Code section 3273.51, subdivision (e)(2); and

¹ See Penal Code sections 16585, 26805, 26815, 26825, 26830, 26840 through 26870, 27500 through 27520, 27530 through 27545, 27555, and 28050 through 28065.

² See Penal Code sections 16585, 26850, 26900 through 26910, 27525, 27550, 27555, 28060, 28100, 28160 through 28180, 28205 through 28220, and 31700.

³ See Penal Code sections 26810, 26820, 26835, 26875, 26885, and 26890.

⁴ See Penal Code section 26700.

- Receive an acknowledgment from the prospective purchaser attesting that the prospective purchaser received and understands the notice provided according to Civil Code section 3273.51, subdivision (e)(2).

Existing law makes it a crime for a person to manufacture or cause to be manufactured specified firearms. (Pen. Code, § 30600.) A person, other than a state-licensed firearms manufacturer, is prohibited from using a CNC milling machine or three-dimensional printer to manufacture a firearm. (Pen. Code, § 29185.)

Civil action can be taken against a person who knowingly distributes, or causes to be distributed, any digital firearm manufacturing code to any person, except as specified. (Civ. Code, § 3273.61.) For these purposes, existing law defines “digital firearm manufacturing code” to mean any digital instructions in the form of computer-aided design files or other code or instructions that may be used to program a CNC milling machine, a three-dimensional printer, or a similar machine to manufacture or produce a firearm, including a completed frame or receiver or a firearm precursor part. (Civ. Code, § 3273.60, subd. (a).) Assembly Bill 1263 updated and expanded the definition of “digital firearm manufacturing code.” The Attorney General, county counsel, or city attorney may bring an action against a person and seek a civil penalty, as specified, for each violation, as well as injunctive relief. (Civ. Code, § 3273.61, subd. (c)(2).)

Effect of the Proposed Rulemaking:

California Code of Regulations, Title 11, section 4022, governs firearm dealer inspections. The proposed regulation amends the existing regulation to include the inspection of the notice required by Civil Code section 3273.51. The regulations identify an optional form (BOF 146) for dealers to provide to a prospective purchaser. This form serves as a notice to the prospective purchaser of the information in Civil Code section 3273.51, subdivision (e)(2). The regulation further outlines the following requirements for the notice:

- the notice must be signed by the prospective purchaser to indicate their acknowledgment that they received and understand the notice.
- the notice must include the date of the sale or delivery of the firearm accessory, firearm manufacturing machine, or firearm barrel unattached to a firearm.
- the firearm dealer must retain the notice for three years and provide a copy to the purchaser.
- the form may be maintained in electronic format.

Anticipated Benefits of the Proposed Regulations:

Requiring dealers to maintain the notice required by Civil Code section 3273.51 enables the Department to ensure compliance with this law. The regulation also gives the dealer an option to provide a form that is created by the Department to prospective purchasers. The form acts as a notice and informs prospective buyers of potential violations regarding manufacturing firearms. This will also minimize confusion about what is expected for both dealers and purchasers to comply with the newly enacted law.

Comparable Federal Regulations:

Federal regulations require records pertaining to firearms transactions to be retained on the licensed premises in the manner prescribed by this subpart and for the length of time prescribed by 27 CFR § 478.129. Furthermore, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) officers may, for the purposes and under the conditions prescribed in 27 CFR § 478.23, enter the premises of any licensed importer, licensed manufacturer, licensed dealer, or licensed collector for the purpose of examining or inspecting any record or document required by or obtained under this part. Section 923(g) of Title 18 U.S.C. Chapter 44 (the Act) requires licensed importers, licensed manufacturers, licensed dealers, and licensed collectors to make such records available for examination or inspection during business hours or, in the case of licensed collectors, hours of operation, as provided in 27 CFR § 478.23. Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of firearms and such records of the disposition of ammunition as the regulations contained in this part prescribe. Section 922(m) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to knowingly make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain any such record. (27 CFR § 478.121).

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review of any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the notice and acknowledgment required by Civil Code section 3273.51.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION**The Department's Initial Determinations:**

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: One-time costs to create the form are minor, and absorbable within existing resources.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on representative person or business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents by minimizing the illegal manufacturing of firearms and providing notice to the public regarding information on illegal manufacturing of firearms as defined in Civil Code section 3273.51, subdivision (e)(2). The proposal minimizes confusion and provides clear guidance to both dealers and prospective purchasers, which benefits the health and welfare of California residents.

(2) The proposal would not benefit worker safety because it does not regulate worker safety standards.

(3) The proposal would not benefit the state's environment because it does not change any applicable environmental standards.

Business report requirement: None.

Small business determination: The Department has determined that the proposed action affects small businesses. However, there is no economic impact on these small businesses.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5, subdivision (a)(13) requires that the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out

the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department has determined that the proposed regulations are the most effective way to ensure dealers comply with the notice requirements imposed by Civil Code section 3273.51. The regulations require the notice and acknowledgment to be in writing and available for Department inspection. The Department has created a notice available for optional use, which reduces any burden to dealers. There are no costs associated with the proposed regulations.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

L. Baladjay-Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2621
bofregulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

J. Walker
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2366
bofregulations@doj.ca.gov

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/firearms/reg>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department's website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>.