



U.S. Department of Justice
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Enforcement Programs & Services

Washington, DC 20226

www.atf.gov

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OPEN LETTER TO ALL NORTH CAROLINA FEDERAL FIREARMS LICENSEES

The purpose of this Open Letter is to notify you of an important change to the procedure you may follow to comply with the Brady Handgun Violence Protection Act (Brady Act), codified at [18 U.S.C. § 922\(t\)](#), when transferring a firearm to an unlicensed person. Specifically, the North Carolina pistol purchase permit may no longer be used as an alternative to the National Instant Criminal Background Check System (NICS) check requirement.

The permanent provisions of the Brady Act took effect on November 30, 1998. The Brady Act generally requires Federal firearms licensees (FFLs) to initiate a NICS check before transferring a firearm to an unlicensed person. However, the Brady Act, and its implementing regulations, contains exceptions to the NICS check requirement, including an exception for holders of certain State permits to possess, carry, or **acquire** firearms. The law and implementing regulations provide that a permit to possess, carry, or acquire firearms, issued not more than 5 years prior to its presentation to an FFL, may qualify as an alternative to the NICS check if certain other requirements are satisfied.

On November 13, 1998, ATF issued an [Open Letter to All North Carolina Federal Firearms Licensees](#) advising them of their responsibilities under the permanent provisions of the Brady Act. It further advised that the North Carolina pistol purchase permit qualified as an alternative to NICS and, thus, North Carolina FFLs are not required to initiate a NICS check when the purchaser presents such permit for a handgun or long gun transaction.

On March 29, 2023, the North Carolina legislature overrode the Governor's veto and [North Carolina Senate Bill 41](#) became law. Among other provisions, this bill repealed N.C. Gen. Stat. § [GS 14-402](#), which required persons in North Carolina to have a license or permit to purchase or receive a pistol. The Brady Act, 18 U.S.C. § 922(t)(3)(A) permits the use of a NICS alternate permit that "allows [a] person to possess or acquire a firearm." Because North Carolina has repealed its pistol purchase law, a North Carolina pistol purchase permit no longer "allows [a] person to possess or acquire a firearm" and does not meet the criteria for a NICS alternate permit. **Accordingly, North Carolina pistol purchase permits – regardless of when issued – may not be used on or after March 29, 2023, as an alternative to the NICS check requirement.**

North Carolina's concealed handgun permits are unaffected by Senate Bill 41 and will continue to serve as an alternative to the NICS check requirement.

If you have any questions about permits that may qualify as an alternative to the NICS check, please call ATF's Firearms Industry Programs Branch at (202) 648-7190.

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