



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Office of the Assistant Director
Enforcement Programs and Services

Washington, DC 20226

www.atf.gov

May 23, 2025

OPEN LETTER TO ALL FEDERAL FIREARMS LICENSEES

The purpose of this open letter is to advise all federal firearms licensees (FFLs) of updated guidance from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) that reminds you of your obligations under the Brady Handgun Violence Prevention Act (Brady Act), 18 U.S.C. § 922(t), when transferring a firearm to a person who is not an FFL. This guidance sets forth ATF's assessment of qualifying permits and is the agency's interpretation of NICS alternative permits under 18 U.S.C. § 922(t)(3). This open letter is intended to aid FFLs in determining whether to accept state permits in compliance with Federal law.

The Brady Act generally requires FFLs to initiate a National Instant Criminal Background Check System (NICS) background check before transferring a firearm to a person who is not an FFL. However, the Brady Act contains exceptions to the NICS check requirement, including an exception for holders of certain state permits that authorize them to possess, carry, or acquire firearms. The law and implementing regulations provide that permits issued not more than five years prior to the firearm transfer date may qualify as alternatives to the NICS check if certain other requirements are satisfied. Most importantly, the laws of the state must provide that the authority issuing the permit is required to check available information, including conducting a NICS background check, and that the issuing authority may not issue a permit to anyone when the available information indicates the applicant is prohibited from possessing firearms under federal, state, or local law.

ATF has recently conducted a review of the laws and regulations of all U.S. states and territories. The purpose was to determine whether relevant firearms-related permits meet the requirements of 18 U.S.C. § 922(t)(3) and whether FFLs may accept such permits in lieu of a NICS background check prior to transferring a firearm to a nonlicensee. ATF has created a new chart, which reflects ATF's current assessment of all permits pursuant to this review. ATF will periodically review and update the chart, the most current version of which is available at

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www.atf.gov on the [Brady Permit Chart](#) page.¹ FFLs should refer to www.atf.gov for the most recent version when assessing a permit submitted for this purpose.

The new chart includes updates or clarifications to the status of a state permit as a NICS background check alternative in the following states:

- Alabama
- California
- Georgia
- Indiana
- Kentucky
- Louisiana
- Michigan
- Missouri
- Montana
- Puerto Rico
- Utah
- West Virginia
- Wisconsin

When FFLs transfer a firearm to a nonlicensee who presents a permit or license that qualifies for a NICS-exempt transfer, you must comply with the following requirements:

1. Have the transferee complete and sign a Firearms Transaction Record, ATF Form 4473.
2. Verify the identity of the transferee through a government-issued photo identification (for example, a driver's license), and confirm that the transferee is the person to whom the permit was issued.
3. Verify the permit was issued or renewed not more than five years earlier **by the state in which the transfer** is to occur and that the permit has not expired under state law. **While certain permits, including "lifetime" permits, may be valid under state law for more than five years, these only qualify as NICS alternatives for five years from the date they were issued.** It is the FFL's responsibility to verify the issuance or renewal date before treating the transaction as NICS-exempt. FFLs should conduct a NICS check whenever they are unable to confirm the validity of the permit, or the issue date for permits that are valid for more than five years.

¹ <https://www.atf.gov/rules-and-regulations/laws-alcohol-tobacco-firearms-and-explosives/gun-control-act/brady-law/permanent-brady-permit-chart>

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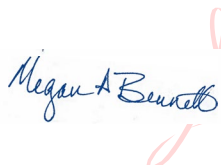
4. Either retain a copy of the transferee's permit and attach it to the Form 4473 or record on the Form 4473 any identifying number from the permit, the date it was issued, and the date it expires, consistent with 27 CFR § 478.131.

The guidance set forth in this letter and the new chart on atf.gov supersedes all previous ATF open letters on NICS alternate permits, including open letters as to whether a particular jurisdiction's firearms permit(s) qualify as an alternative to the NICS check. This is interpretive guidance that is not binding, nor does it have the force or effect of law.

This guidance represents ATF's assessment of which state laws currently in effect satisfy the requirements set forth in federal law. FFLs are ultimately responsible for complying with all federal, state, and local laws, and for keeping abreast of any future changes to those laws that may affect their legal obligations. FFLs are not required to accept a qualifying alternate permit in lieu of a NICS background check. If the FFL has reason to believe that the permit is invalid, improperly issued, or otherwise does not meet the requirements of state or federal law, the FFL should conduct a standard NICS background check before transferring the firearm.

Whether transferring a firearm pursuant to a NICS background check or upon presentation of a qualifying alternate permit, FFLs must always comply with all state and federal laws applicable to the sale, transfer, or delivery of the firearm(s). An FFL should never transfer a firearm where the FFL has reasonable cause to believe the transfer would violate state or federal law.

If you have any questions about the validity of an individual permit, please contact the agency that issued the permit. If, after reviewing the chart, you have a question as to whether a particular type of permit qualifies as an alternative to the NICS check, please contact FIPB@atf.gov and include your name and contact information.

 Digitally signed by
MEGAN BENNETT
Date: 2025.05.23
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Megan A. Bennett
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attachment:

[Brady Permit Chart](#)