



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Enforcement Programs and Services (EPS)

Washington, DC 20226

www.atf.gov

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OPEN LETTER TO ALL MINNESOTA FEDERAL FIREARMS LICENSEES

The purpose of this open letter is to advise you of an important change to the procedure you may follow to comply with the Brady Handgun Violence Prevention Act (Brady Act), 18 U.S.C. §922(t), when transferring a firearm to an unlicensed person.

The permanent provisions of the Brady Act took effect on November 30, 1998. The Brady Act, codified at 18 U.S.C. § 922(t) generally requires Federal firearms licensees (FFLs) to initiate a National Instant Criminal Background Check System (NICS) background check before transferring a firearm to an unlicensed person. However, the Brady Act 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 permits issued within the past 5 years may qualify as alternatives to the NICS check if certain other requirements are satisfied. Most importantly, the authority issuing the permit must conduct a NICS background check and must deny a permit to anyone prohibited from possessing firearms under Federal, State or local law.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has reviewed Minnesota's Permit to Carry and has determined that this permit qualifies as an alternative to the background check requirement. Please be advised that only those Minnesota Permits to Carry issued on or after August 1, 2014 with an expiration date on or after August 1, 2019, qualify as an alternative to the background check.

If you transfer a firearm to an unlicensed person pursuant to the permit alternative, you must comply with the following requirements:

1. Have the transferee complete and sign ATF Form 4473, Firearms Transaction Record.
2. Verify the identity of the transferee through a Government-issued photo identification (for example, a driver's license).
3. The Minnesota Permits to Carry expire five years after the date of issuance. The permits state the expiration date but not the issuance date. Therefore, verify that the permit is a Minnesota Permit to Carry with an expiration date on or after August 1, 2019 and that at the time of the transfer the permit has not expired under State law.

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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 including the expiration date of the permit.

Please note that Minnesota's transferee permit does not qualify as an alternative to the background check. If you have any questions about this letter, please call ATF's Firearms Industry Programs Branch at (202) 648-7190.

[signed]

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Enforcement Programs and Services