



## U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Office of the Assistant Director  
*Enforcement Programs and Services*

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Washington, DC 20226

[www.atf.gov](http://www.atf.gov)

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### **OPEN LETTER TO ALL VERMONT FEDERAL FIREARMS LICENSEES REGARDING VERMONT LAW 13 V.S.A. § 4019a**

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is issuing this open letter to assist federal firearms licensees (FFLs) in understanding their obligations under federal firearms laws and regulations.

This letter alerts Vermont FFLs to changes in Vermont law and reminds FFLs of their obligation to remain in compliance with state and federal law.

Specifically, 13 V.S.A. § 4019a, which became effective on July 1, 2023, provides:

- (a) A person shall not transfer a firearm to another person until 72 hours after the licensed dealer facilitating the transfer is provided with a unique identification number for the transfer by the National Instant Criminal Background Check System (NICS) or seven business days have elapsed since the dealer contacted NICS to initiate the background check, whichever occurs first.
- (b) A person who transfers a firearm to another person in violation of subsection (a) of this section shall be imprisoned not more than one year or fined not more than \$500.00, or both.
- (c) This section shall not apply to a firearm transfer that does not require a background check under 18 U.S.C. § 922(t) or section 4019 of this title.
- (d) As used in this section, "firearm" has the same meaning as in subsection 4017(d) of this title.


The Vermont statute makes it unlawful for an FFL licensed in Vermont to transfer a firearm to another person until 72 hours after a unique identification number is provided for that transfer by NICS, or seven business days have elapsed since the dealer contacted NICS to initiate the background check, whichever occurs first (*See Open Letter to All Vermont Federal Firearms Licensees dated March 9, 2023, for transfer scenarios where no response is provided by NICS prior to transfer*). Please note, however, under federal law if a *transferee/buyer is under 21 years of age, and the licensee is notified by NICS that there is cause for further investigation of a*

*possibly disqualifying juvenile record, the FFL must wait for ten business days after the FFL first contacts NICS before the FFL may transfer a firearm provided the FFL does not receive a “denied” response from NICS before then. If the FFL does not receive a “denied” response during that ten-day period, then the FFL may transfer the firearm under federal law after the tenth business day. (18 U.S.C. §§ 922(d) and (t).)*

The waiting period applies to any firearm sold no matter the location. When enacted, subsection (e)(1) of section 4019a provided that the 72 hour/seven-day waiting period did not apply to a firearm transfer taking place at a gun show. However, in accordance with subsection (e)(3) of section 4019a, the gun show transfer exception was repealed on July 1, 2024. Additionally, nothing in section 4019a relieves FFLs of their federal obligation (as referenced above) where a transferee/buyer is under 21 years of age and the licensee is notified by NICS there is cause for further investigation of a possibly disqualifying juvenile record.

Effective May 28, 2024, section 4019a, subsection (f), exempts from the mandatory waiting period the return of a firearm, frame, or receiver to a person by a licensed dealer after the dealer has serialized it pursuant to federal law or section 4084 of Title 13, if the dealer returns the firearm, frame, or receiver to the same person from whom it was received.

FFLs are encouraged to review the Vermont statute and direct any questions regarding the statute to the Vermont Attorney General’s office. For questions on compliance with federal firearms laws and regulations related to this open letter, please contact the Boston Field Division at (617) 557-1200 or [ATFBoston@atf.gov](mailto:ATFBoston@atf.gov). ATF works closely with the firearms industry and appreciates the important role the industry plays in combating violent crime.

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