

Erica Pan, MD, MPH
Director and State Public Health Officer

Gavin Newsom
Governor

August 06, 2026

To: U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms, and Explosives
Director Robert Cekada
950 Pennsylvania Avenue NW
Washington DC 20530

RE: Proposed Rule Revising Non-Over-the-Counter Firearms Transaction Requirements DOCKET NO. ATF-2026-0266; ATF 2025R-26P

Dear Mr. Robert Cekada:

The California Department of Public Health (CDPH) does not support the proposed Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) rule that would permit federally licensed dealers to sell and ship firearms directly to purchasers who do not appear in person at the dealer's premises so long as the purchaser resides in the same state and completes remote identify verification and background check requirements. From a public health perspective, the central issue is not simply whether a background check occurs, but that replacing an in-person transaction with a remote process removes critical safeguards and reduces the time, effort, human interaction, and opportunities for prevention and safety built into many state firearm-transfer systems—including those that help identify acute risks such as suicidal crises, escalating domestic violence, untreated behavioral-health emergencies, and unsafe storage, which a remote background check alone cannot detect. The data on this is quite clear, which is why California's laws effectively mandate that person to person transfer of firearms occur at a licensed firearm dealer and parties are present in person (See, e.g., [Pen. Code §§ 28050, 28160](#)).

CDPH would like to emphasize the following public health concerns related to this proposal:

- 1. Increased risk of harm during periods of acute or escalating crisis.** Firearm injuries—particularly suicides—often occur during brief moments of intense emotional distressⁱ, and background checks cannot identify many acute risk factors such as suicidal crises, escalating domestic violence, untreated

behavioral-health emergencies, or other concerning circumstances that have not yet resulted in legal prohibition. At a time when veteran suicides—already more than twice the civilian population—are rising, the federal government should be doing what it can to adopt common-sense deterrents, not eviscerate them. Waiting periods and in-person purchase processes add critical time, human interaction, and intervention opportunities that help separate impulsive decisionsⁱⁱ from access to a highly lethal means.² Although the proposed rule includes federal notification requirements, it does not replicate the layered public health protections provided by state laws that require in-person transactions, face-to-face interactions between purchasers and licensed dealers, and waiting periods designed to provide additional time for background check review and help reduce impulsive acts of violence and self-harm.

- 2. Loss of in-person observation and dealer discretion.** While firearm dealers are not mental health professionals or law enforcement officers, face-to-face transactions provide opportunities to identify obvious intoxication, coercion, identify inconsistencies, or other behaviors that may warrant additional scrutiny or refusal of a transaction.ⁱⁱⁱ Additionally, firearm dealers are licensed to perform firearm sale and transfer functions specifically, including—in California—actions such as verifying that the recipient has a Firearm Safety Certificate and a Firearm Safety Device. Remote identity verification cannot fully replace these observations or responsibilities of licensed firearm dealers.
- 3. Delivery and household-access risks.** Public health practitioners recognize that the firearm transfer process should include safeguards that help ensure firearms are received by the intended purchaser and reduce opportunities for unauthorized access by children, adolescents, or other unauthorized individuals. This principle is consistent with longstanding public health recommendations promoting secure firearm storage and other measures to prevent unauthorized access^{iv}. Currently, the proposed ATF rule does not provide requirements regarding delivery verification, secure receipt by the intended purchaser, theft, package diversion, and access by children, adolescents, or other household members who may be prohibited from possessing firearms or experiencing behavioral health crises.

Public health practitioners recognize the importance of balancing lawful firearm ownership with strategies that reduce preventable injury and death. Policies that preserve multiple layers of protection – including comprehensive background checks, waiting periods, secure transfer procedures, safe storage education, and opportunities

for in-person verification – reflect the core public health principle that injury prevention is most effective when multiple evidence-informed interventions work together.

Collectively, the evidence indicates that the proposed rule would weaken four complementary elements of a safe firearm-transfer system: the time and interaction afforded by in-person transactions and waiting periods that help prevent impulsive harm; the observational and discretionary role of licensed dealers in identifying coercive, intoxicated, or unsafe circumstances not captured by background checks; the prescribed role of licensed dealers to verify safety measures such as certificate and safe storage; and secure, verifiable transfer procedures that reduce household-access risks, theft, and inaccurate delivery. The proposed rule reduces these layers of protection, conflicts with California state law, and for these reasons CDPH respectfully recommends that ATF withdraw or substantially revise the proposed regulation.

Thank you for the opportunity to comment on this proposed rule and for your continued efforts to prevent firearm-related injuries and deaths.

Sincerely,

A handwritten signature in black ink, appearing to read "Erica Pan". The signature is fluid and cursive, with the first name "Erica" written in a larger, more prominent script than the last name "Pan".

Erica Pan, MD, MPH
Director and State Public Health Officer
California Department of Public Health

ⁱ Hawton, K. (2007). Restricting access to methods of suicide: Rationale and evaluation of this approach to suicide prevention. *Crisis: The Journal of Crisis Intervention and Suicide Prevention*, 28(Suppl 1), 4–9. <https://doi.org/10.1027/0227-5910.28.S1.4>

ⁱⁱ RAND Corporation - Effects of Waiting Periods (<https://www.rand.org/research/gun-policy/analysis/waiting-periods.html>)

ⁱⁱⁱ <https://www.bradyunited.org/resources/issues/gun-dealer-code-of-conduct>

^{iv} Grossman DC, Mueller BA, Riedy C, et al. Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries. *JAMA*. 2005;293(6):707–714. doi:10.1001/jama.293.6.707
<https://jamanetwork.com/journals/jama/fullarticle/200330>