



# House of Representatives

General Assembly

**File No. 766**

January Session, 2025

Substitute House Bill No. 7042

*House of Representatives, April 24, 2025*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING IMPLEMENTATION OF THE FIREARM INDUSTRY RESPONSIBILITY ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2025, and applicable to any civil*  
2 *action filed on or after said date*) As used in this section and sections 2 and  
3 3 of this act:

4 (1) "Firearm industry member" means a person, firm, corporation,  
5 company, partnership, society, joint stock company, trade association,  
6 or any other entity or association engaged in the manufacture,  
7 distribution, importation, marketing, wholesale or retail sale of firearm  
8 industry products.

9 (2) "Firearm industry product" means any of the following which are  
10 or were (A) sold, made or distributed in this state; or (B) possessed in  
11 this state and it was reasonably foreseeable that such product would be  
12 possessed in this state:

13 (i) Ammunition or a magazine as those terms are defined in section  
14 29-38m of the general statutes;

15 (ii) A firearm as defined in section 53a-3 of the general statutes;

16 (iii) An unfinished frame or lower receiver as defined in section 53-  
17 206j of the general statutes; or

18 (iv) A rate of firearm enhancement as defined in section 53-206g of  
19 the general statutes.

20 (3) "Firearm trafficker" means an individual who engages in,  
21 conspires to engage in, or attempts to engage in conduct that constitutes  
22 firearms trafficking as described in section 53-202aa of the general  
23 statutes or trafficking in firearms as described in 18 USC 933.

24 (4) "Reasonable controls" means procedures, acts and practices that  
25 are designed, implemented and enforced to do all of the following:

26 (A) Prevent the sale or distribution of a firearm industry product to a  
27 straw purchaser, a firearm trafficker, a person prohibited from  
28 possessing a firearm under state or federal law, or a person about whom  
29 a firearm industry member has reasonable cause to believe such person  
30 is at substantial risk of using a firearm industry product to harm  
31 themselves or another or of possessing or using a firearm industry product  
32 unlawfully.

33 (B) Ensure compliance with sections 29-28, 29-36f, 29-37p and 29-38o  
34 of the general statutes, as applicable.

35 (C) Prevent the sale or distribution of a firearm industry product  
36 designed, sold, advertised, marketed or promoted in a manner that  
37 foreseeably promotes conversion of a legal firearm industry product  
38 into an illegal firearm industry product.

39 (D) Ensure compliance with section 2 of this act.

40 (5) "Straw purchaser" means an individual who engages in or  
41 attempts to engage in conduct that violates subsection (a) of section 29-

42 34 of the general statutes, section 29-37e of the general statutes or 18 USC  
43 932.

44 Sec. 2. (NEW) (*Effective October 1, 2025, and applicable to any civil action*  
45 *filed on or after said date*) (a) A firearm industry member shall establish,  
46 implement and enforce reasonable controls.

47 (b) No firearm industry member shall provide a firearm industry  
48 product to another firearm industry member when the firearm industry  
49 member has reasonable cause to believe that such other firearm industry  
50 member is engaged in conduct that is in violation of this section.

51 (c) No firearm industry member shall advertise, market or promote  
52 firearm industry products in this state in a manner that promotes  
53 unlawful sales, promotes unlawful use or promotes unreasonable risk  
54 to public safety.

55 (d) No firearm industry member shall knowingly violate state or  
56 federal law relating to the manufacture, distribution, importation,  
57 marketing, wholesale or retail sale of firearm industry products.

58 Sec. 3. (NEW) (*Effective October 1, 2025, and applicable to any civil action*  
59 *filed on or after said date*) (a) An act or omission by a firearm industry  
60 member that fails to comply with any provision of section 2 of this act  
61 constitutes a violation of said section and shall be actionable under this  
62 section.

63 (b) Such action may be brought in the superior court for the judicial  
64 district where the act, omission or harm is alleged to have occurred by:

65 (1) A person who has suffered harm in this state because of a firearm  
66 industry member's violation of section 2 of this act;

67 (2) The corporation counsel or other chief legal officer of a  
68 municipality in the name of the municipality; or

69 (3) The Attorney General in the name of the state.

70 (c) Any person bringing an action pursuant to subdivision (1) or (2)

71 of subsection (b) of this section shall provide notice of such action to the  
72 Attorney General not later than thirty days after the date of filing such  
73 action.

74 (d) If a court determines that a firearm industry member has violated  
75 any provision of section 2 of this act, the court may award any or all of  
76 the following:

77 (1) Injunctive relief sufficient to prevent the firearm industry member  
78 and any other defendant from further violating the law.

79 (2) Compensatory damages.

80 (3) Punitive damages.

81 (4) Restitution.

82 (5) Costs and reasonable attorney's fees.

83 (6) Any other appropriate relief necessary to enforce the provisions  
84 of chapter 529 of the general statutes and remedy the harm caused by  
85 the conduct.

This act shall take effect as follows and shall amend the following sections:

Section	<i>October 1, 2025, and applicable to any civil action filed on or after said date</i>	New section
Sec. 2	<i>October 1, 2025, and applicable to any civil action filed on or after said date</i>	New section
Sec. 3	<i>October 1, 2025, and applicable to any civil action filed on or after said date</i>	New section

**JUD** Joint Favorable Subst.

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 26 \$	FY 27 \$
All Municipalities	Potential Revenue Gain	See Below	See Below

### **Explanation**

The bill requires firearm industry members to implement "reasonable controls" to prevent certain illegal activities and ensure compliance with firearm-related laws and allows the individuals harmed by violations, municipalities, and Office of the Attorney General to initiate civil lawsuits for violations resulting in a potential revenue gain to the state and to municipalities to the extent violations occur.

The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to violations.

**OLR Bill Analysis****sHB 7042*****AN ACT CONCERNING IMPLEMENTATION OF THE FIREARM INDUSTRY RESPONSIBILITY ACT.*****SUMMARY**

This bill requires firearm industry members to establish, implement, and enforce certain measures (“reasonable controls”) designed to (1) prevent sales or the distribution of firearms and specified related products to certain people (e.g., straw purchasers or people banned by law from possessing firearms) or in a way that promotes conversion into an illegal product and (2) ensure compliance with certain existing firearm-related laws. It also places certain restrictions on firearm industry members, such as on advertising industry products in a way that promotes unlawful sales or use or an unreasonable public safety risk.

The bill allows a person who has suffered harm due to a violation, a municipality, or the state to sue a firearm industry member under these provisions. The bill specifies the available court relief for prevailing plaintiffs in these lawsuits, such as compensatory damages, punitive damages, or costs and attorney’s fees.

Under the bill, a “firearm industry member” is a person, entity, or association (e.g., corporation or trade association) engaged in the manufacture, distribution, importation, marketing, or sale (wholesale or retail) of “firearm industry products.” These products are firearms, ammunition or firearm magazines, unfinished frames or lower receivers (generally used to make “ghost guns”), or parts of firearm enhancement (e.g., “bump stocks”) that are or were (1) sold, made, or distributed in the state or (2) possessed in the state and it was reasonably foreseeable that this would occur.

EFFECTIVE DATE: October 1, 2025, and applicable to civil actions filed on or after that date.

## **REQUIREMENTS AND RESTRICTIONS FOR FIREARM INDUSTRY MEMBERS**

The bill establishes the following requirements and restrictions for firearm industry members.

### ***Reasonable Controls***

The bill requires firearm industry members to establish, implement, and enforce “reasonable controls.” These are procedures, acts, and practices that are designed, implemented, and enforced (collectively, “designed” for this analysis) to do the following.

***Prevention of Certain Sales.*** The controls must be designed to prevent the sale or distribution of firearm industry products to:

1. straw purchasers (generally, people who engage in conduct, or attempt to do so, that violates the state prohibition on false statements or information related to firearm purchases, sales, or transfers, or the federal prohibition on buying firearms for or on behalf of someone who is prohibited from owning them or who meets certain other criteria);
2. firearm traffickers (people who engage, conspire, or attempt to engage in conduct that is illegal firearm trafficking under state or federal law);
3. people prohibited from possessing firearms under state or federal law; or
4. people whom the industry member reasonably believes are at substantial risk of (a) using a firearm industry product to harm themselves or others or (b) possessing or using these products unlawfully.

The controls also must be designed to prevent the sale or distribution of firearm industry products that are designed, sold, advertised,

marketed, or promoted in a way that foreseeably promotes the product's conversion from a legal into an illegal product.

**Compliance With Bill and Other Laws.** The controls must be designed to ensure compliance with the laws on the following firearm-related credentials: (1) local permits for retail firearm sales, (2) handgun permits, (3) handgun or long gun eligibility certificates, and (4) ammunition certificates.

The controls must also be designed to ensure compliance with the bill's requirements and restrictions.

### **Restrictions**

The bill prohibits firearm industry members from:

1. providing a firearm industry product to another industry member when they have reasonable cause to believe that the other member is violating the bill;
2. advertising, marketing, or promoting firearm industry products in Connecticut in a way that promotes unlawful sales, unlawful use, or unreasonable risk to public safety; or
3. knowingly violating state or federal laws on the manufacture, distribution, importation, marketing, or sale (wholesale or retail) of industry products.

### **CIVIL LAWSUITS**

Under the bill, if firearm industry members act, or fail to act, in violation of these provisions, they are subject to liability in a lawsuit. The case may be brought by any of the following:

1. someone who was harmed in the state due to a firearm industry member's violation of the bill's requirements or restrictions,
2. a municipality's corporation counsel or other chief legal officer (in the municipality's name), or



3. the attorney general (in the state's name).

The plaintiff must file the case in the judicial district where the act, omission, or harm allegedly happened. If someone other than the attorney general brings the case, he or she must notify the attorney general within 30 days after filing it.

### ***Court Relief***

Under the bill, if a court determines that a firearm industry member violated the bill's requirements or restrictions, it may award any or all of the following:

1. injunctive relief that is sufficient to prevent the industry member or other defendants from further violations,
2. compensatory damages,
3. punitive damages,
4. restitution,
5. costs and reasonable attorney's fees, and
6. any other appropriate relief needed to enforce the law on firearm-related credentialing (and other provisions within chapter 529) and remedy the harm.

### **BACKGROUND**

#### ***Related Federal Law and State Supreme Court Case***

Federal law (the Protection of Lawful Commerce in Arms Act or PLCAA) generally protects licensed gun manufacturers, sellers, or trade associations from civil liability in federal or state court resulting from the criminal or unlawful misuse of firearms or ammunition by third parties. The law includes six exceptions, including cases in which a manufacturer or seller knowingly violated a state or federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought (15 U.S.C. §§ 7901-7903). This exception is sometimes referred to as the "predicate

exception.”

In a case involving the alleged unlawful marketing of a firearm, the Connecticut Supreme Court held that the plaintiffs (estate administrators for certain victims of the Sandy Hook shooting) could proceed with their Connecticut Unfair Trade Practices Act (CUTPA) claim under the PLCAA’s predicate exception (*Soto v. Bushmaster Firearms Int’l, LLC*, 331 Conn. 53 (2019)). The defendants later sought review in the U.S. Supreme Court, but the Court declined to hear the appeal. (The case eventually resulted in a settlement.)

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 31      Nay 10      (04/07/2025)