
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 rates 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)