

HOUSE No. 2672

The Commonwealth of Massachusetts

PRESENTED BY:

Frank A. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to firearm industry accountability and gun violence victims’ access to justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/14/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2025</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/30/2025</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>1/30/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/30/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/30/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/30/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>1/30/2025</i>
<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>1/30/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>2/11/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/12/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/18/2025</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/21/2025</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>2/25/2025</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>3/6/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>3/6/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/17/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/19/2025</i>

<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>3/31/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>4/3/2025</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/28/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>7/7/2025</i>
<i>Greg Schwartz</i>	<i>12th Middlesex</i>	<i>9/2/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>9/18/2025</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>9/25/2025</i>
<i>Hannah Bowen</i>	<i>6th Essex</i>	<i>10/21/2025</i>

HOUSE No. 2672

By Representative Moran of Lawrence, a petition (accompanied by bill, House, No. 2672) of Frank A. Moran and others relative to firearm industry accountability and access to justice by allowing for civil actions by victims of gun violence. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to firearm industry accountability and gun violence victims’ access to justice.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 TITLE XV of Part 1 of the General Laws is hereby amended by inserting after Chapter
2 110H a new Chapter 110I, commencing with Section 1, as follows:

3 Section 1. Short Title.

4 This Act shall be known and may be cited as the Gun Violence Victims’ Access to
5 Justice Act.

6 Section 2. Findings and Declarations.

7 The General Court hereby finds and declares that:

8 (a) The Commonwealth of Massachusetts has a compelling interest in protecting its
9 residents’ life, health, safety, and wellbeing from gun violence and related harms.

10 (b) Unlawful and irresponsible conduct by members of the firearm industry pose
11 significant risks to the life, health, safety, and wellbeing of Massachusetts residents.

12 (c) Our Commonwealth and nation have a longstanding tradition of prescribing standards
13 of responsible conduct and accountability for industries whose business practices may cause
14 harm to the public, including the firearm industry.

15 (d) The federal Protection of Lawful Commerce in Arms Act preserves states' critical
16 authority to enact laws prescribing and enforcing standards of responsible conduct and
17 accountability for the firearm industry.

18 (e) It shall be the policy of the Commonwealth of Massachusetts that firearm industry
19 members have a lawful duty and responsibility to take reasonable precautions to prevent
20 foreseeable risks to life, health, safety, and wellbeing, including but not limited to the
21 requirements of this Chapter.

22 (f) It shall be the policy of the Commonwealth of Massachusetts that persons and entities
23 harmed by firearm industry members' wrongful and unlawful conduct, and public officials acting
24 in the public interest, shall not be barred from pursuing civil actions seeking appropriate justice,
25 fair compensation, and other remedies for those harms in court, consistent with any limitations or
26 immunities otherwise provided in Massachusetts or federal law.

27 Section 3. Definitions.

28 As used in this Chapter:

29 (a) "Firearm industry member" means a person, firm, corporation, or any other entity
30 engaged in the manufacture, distribution, importation, marketing, or wholesale or retail sale of a
31 firearm industry product.

32 (b) "Firearm industry product" means a product that meets any of the following
33 conditions:

34 (1) The product was sold, made, distributed, or marketed in the commonwealth;

35 (2) The product was intended to be sold, made, distributed, or marketed in the
36 commonwealth;

37 (3) The product was used or possessed in the commonwealth, and it was reasonably
38 foreseeable that the product would be used or possessed in the commonwealth..

39 (c) "Firearm trafficker" means a person who acquires, transfers, or attempts to acquire or
40 transfer a firearm industry product for the unlawful use of another or for resale to or giving to
41 another in violation of the laws of the commonwealth or of federal law.

42 (d) "Product" means:

43 (1) A firearm;

44 (2) Ammunition;

45 (3) A completed or unfinished frame or receiver;

46 (4) A firearm component or magazine;

47 (5) A device that is designed or adapted to be inserted into, affixed onto, or used in
48 conjunction with a firearm, if the device is marketed or sold to the public, or reasonably designed
49 or intended, to be used to increase a firearm's rate of fire, concealability, magazine capacity, or
50 destructive capacity, or to increase the firearm's stability and handling when the firearm is
51 repeatedly fired.

52 (6) Any machine or device that is marketed or sold to the public, or reasonably designed
53 or intended, to be used to manufacture or produce a firearm or any other firearm industry product
54 listed in this paragraph.

55 (e) "Reasonable controls" means reasonable procedures, safeguards, and business
56 practices that are designed to do all of the following:

57 (1) Prevent the sale or distribution of a firearm industry product to:

58 (i) A straw purchaser or firearm trafficker;

59 (ii) A person who is prohibited from possessing the firearm industry product under
60 Massachusetts or federal law;

61 (iii) A person the firearm industry member has reasonable cause to believe is at
62 substantial risk of using a firearm industry product to harm themselves or unlawfully harm
63 another, or of otherwise unlawfully possessing or using a firearm industry product.

64 (2) Prevent the loss or theft of a firearm industry product from a firearm industry
65 member.

66 (3) Ensure the firearm industry member does not promote or facilitate the unlawful
67 manufacture, sale, possession, marketing, or use of a firearm industry product.

68 (4) Ensure the firearm industry member complies with all provisions of Massachusetts
69 and federal law.

70 (f) “Straw purchaser” means an individual who purchases or obtains a firearm on behalf
71 of a third party. This term does not apply to an individual obtaining a firearm as a bona fide gift
72 to a person who is not prohibited by law from possessing or receiving a firearm. For the purposes
73 of this paragraph, a gift is not a bona fide gift if the transferee has offered or given the transferor
74 a service or thing of value to acquire the firearm on the transferee’s behalf.

75 (g) “Unfinished frame or receiver” means any forging, casting, printing, extrusion,
76 machined body or similar article that has reached a stage in manufacture where it may readily be
77 completed, assembled or converted to be used as the frame or receiver of a functional firearm, or
78 that is marketed or sold to the public to become or be used as the frame or receiver of a
79 functional firearm once completed, assembled, or converted.

80 Section 4. Firearm Industry Standard of Responsible Conduct.

81 (a) A firearm industry member shall:

82 (1) Establish and implement reasonable controls, as defined in Section 3 of this Chapter,
83 regarding the manufacture, distribution, importation, marketing, and sale of firearm industry
84 products; and

85 (2) Take reasonable precautions to ensure the firearm industry member does not sell or
86 distribute a firearm industry product to a downstream distributor or retailer of firearm industry
87 products that fails to establish and implement reasonable controls.

88 (b) A firearm industry member shall not manufacture, distribute, import, market, offer for
89 wholesale, or offer for retail sale a firearm industry product that is:

90 (1) Designed, sold, or marketed in a manner that foreseeably promotes conversion of
91 legal firearm industry products into illegal firearm industry products; or

92 (2) Designed, sold, or marketed in a manner that is targeted at minors or individuals who
93 are legally prohibited from purchasing or possessing firearms;

94 (3) prohibited under the laws of the commonwealth or under federal law.

95 (c) A firearm industry member shall comply with the provisions of all of the following
96 when engaged in the manufacture, distribution, importation, marketing, or wholesale or retail
97 sale of a firearm industry product:

98 (1) The Massachusetts Antitrust Act, Sections 1 to 14A, inclusive, of Chapter 93 of the
99 General Laws;

100 (2) The Regulation of Business Practice and Consumer Protection Act, Chapter 93A of
101 the General Laws;

102 (3) Sections 91 and 92 of Chapter 266 of the General Laws; and

103 (4) Sections 10 to 12, inclusive, of Chapter 269 of Title 1 of the General Laws.

104 Section 5. Cause of Action for Violations of Firearm Industry Standard of Responsible
105 Conduct.

106 (a) A person or entity who has suffered harm as a result of a firearm industry member's
107 acts or omissions in violation of any provision of Section 4 may bring a civil action under this
108 section in a court of competent jurisdiction.

109 (b) The Attorney General, or the Attorney General's designee, may bring a civil action in
110 a court of competent jurisdiction to enforce this Act and remedy harms caused by any acts or
111 omissions in violation of any provision of Section 4.

112 (c) In an action brought under this section, if the court determines that a firearm industry
113 member engaged in conduct in violation of Section 4, the court shall award just and appropriate
114 relief, including any or all of the following:

115 (1) Injunctive relief sufficient to prevent the firearm industry member and any other
116 defendant from further violating the law;

117 (2) Compensatory and punitive damages;

118 (3) Reasonable attorney's fees, filing fees, and reasonable costs of action; and

119 (4) Any other just and appropriate relief necessary to enforce this Act and remedy the
120 harm caused by the violation.

121 (d) In an action brought under this section:

122 (1) An intervening act by a third party, including but not limited to the unlawful misuse
123 of a firearm industry product, shall not preclude a firearm industry member from liability for
124 harms caused by the firearm industry member's violation of any provision of Section 4, provided
125 that the violation created a reasonably foreseeable risk that the harm would occur.

126 (e) An action under this Act may be commenced within 5 years from the date that the
127 violation occurred or the harm was incurred.

128 (f) A civil action brought under this section may be brought in:

129 (1) The county in which all or a substantial part of the events or omissions giving rise to
130 the claim occurred;

131 (2) The county of residence of any natural person defendant at the time the cause of
132 action accrued;

133 (3) The county of the principal office in this state of any defendant that is not a natural
134 person; or

135 (4) The county of residence for the plaintiff if the plaintiff is a natural person residing in
136 this State.

137 Section 6. Limitations.

138 (a) Nothing in this Act shall be construed or implied to limit or impair in any way the
139 right of the Attorney General, or any person or entity, to pursue a legal action under any other
140 law, cause of action, tort theory, or other authority.

141 (b) Nothing in this Act shall be construed or implied to limit or impair in any way an
142 obligation or requirement placed on a firearm industry member by any other authority.

143 (c) This Act shall be construed and applied in a manner that is consistent with the
144 requirements of the Constitutions of Massachusetts and the United States.

145 Section 7. Severability.

146 If any provision of this Act, or part of this Act, any clause within this Act, any
147 combination of words within this Act, or the application of any provision or part or clause or
148 combination of words of this Act to any person or circumstance, is for any reason held to be
149 invalid or unconstitutional, the remaining provisions, clauses, words, or applications of
150 provisions, clauses, or words shall not be affected, but shall remain in full force and effect, and
151 to this end the provisions of this Act are severable.

152 Section 8. Effective date.

153 This Act shall take effect 120 days after the date of enactment.