

**HOUSE . . . . . No.**

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**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>

**HOUSE . . . . . No.**

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[Pin Slip]

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**The Commonwealth of Massachusetts**

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**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.