

Firearms Liability Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

LONG TITLE

General Description:

This bill amends civil liability concerning firearms or ammunition.

Highlighted Provisions:

This bill:

- ▶ defines terms;
 - ▶ provides limitations on a civil action against a seller or manufacturer of firearms or munition:
 - brought under certain provisions of the federal Protection of Lawful Commerce in Arms Act; or
 - alleging a claim of negligent marketing; and
 - ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5d-102, as last amended by Laws of Utah 2025, Chapters 173, 208

53-5d-103, as enacted by Laws of Utah 2016, Chapter 155

REPEALS:

53-5d-101, as enacted by Laws of Utah 2016, Chapter 155

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-5d-102** is amended to read:

CHAPTER 5d. Lawful Commerce in Arms Act

53-5d-102 . Definitions.

As used in this chapter:

31 (1) "Ammunition" means a bullet, a cartridge case, primer, propellant powder, or other
32 ammunition designed for use in any firearm, either as an individual component part or in
33 a completely assembled cartridge.

34 (2) "Antique firearm" means the same as that term is defined in Section 76-11-101.

35 (3) "Firearm" means the same as that term is defined in Section 76-11-101.

36 [(2)] (4) "Manufacturer" means, with respect to a qualified product, a person who is engaged
37 in the business of manufacturing a qualified product and who is licensed to engage in
38 business as a manufacturer under 18 U.S.C. Chapter 44.

39 [(3)] (5) "Negligent entrustment" means the supplying of a qualified product by a seller for
40 use by another person when the seller knows, or reasonably should know, the person to
41 whom the product is supplied is likely to, and does, use the product in a manner
42 involving unreasonable risk of physical injury to the person or others.

43 [(4)] (6) "Person" means the same as that term is defined in Section 68-3-12.5.

44 [(5)] (7)(a) "Qualified civil liability action" means a civil action or proceeding or an
45 administrative proceeding brought by any person against a manufacturer or seller of a
46 qualified product, or a trade association, for damages, punitive damages, injunctive or
47 declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting
48 from the criminal or unlawful misuse of a qualified product by the person or a third
49 party.

50 (b) "Qualified civil liability action" does not include:

51 (i) an action brought against a transferor convicted under 18 U.S.C. Sec. 924(h) or [
52 Section 76-11-302] Section 76-11-216 by a party directly harmed by the conduct
53 of which the transferee was convicted;

54 (ii) an action brought against a seller for negligent entrustment or negligence per se;

55 (iii) an action in which a manufacturer or seller of a qualified product knowingly
56 violated a state or federal statute applicable to the sale or marketing of the
57 product, and the violation was a proximate cause of the harm for which relief is
58 sought, including:

59 (A) any incident in which the manufacturer or seller knowingly made any false
60 entry in, or failed to make appropriate entry in, any record required to be kept
61 under federal or state law with respect to the qualified product, or aided,
62 abetted, or conspired with any person in making any false or fictitious oral or
63 written statement with respect to any fact material to the lawfulness of the sale
64 or other disposition of a qualified product; or

65 (B) any case in which the manufacturer or seller aided, abetted, or conspired with
66 any other person to sell or otherwise dispose of a qualified product, knowing,
67 or having reasonable cause to believe, that the actual buyer of the qualified
68 product was prohibited from possessing or receiving a firearm or ammunition
69 under 18 U.S.C. Sec. 922(g) or (n) or Title 76, Chapter 11, Part 3, Persons
70 Restricted Regarding Dangerous Weapons;

71 (iv) an action for breach of contract or warranty in connection with the purchase of
72 the product;

73 (v) an action for death, physical injuries, or property damage resulting directly from a
74 defect in design or manufacture of the product, when used as intended or in a
75 reasonably foreseeable manner, except that where the discharge of the product
76 was caused by a volitional act that constituted a criminal offense, then the act shall
77 be considered the sole proximate cause of any resulting death, personal injuries, or
78 property damage; or

79 (vi) an action or proceeding commenced to enforce the provisions of 18 U.S.C.
80 Chapter 44, 26 U.S.C. Chapter 53, or Title 76, Chapter 11, Weapons.

81 [(6)] (8) "Qualified product" means a firearm[or], antique firearm[as defined in Section
82 76-11-101], ammunition, or a component part of a firearm or ammunition.

83 [(7)] (9) "Seller" means, with respect to a qualified product, a federal firearms licensee, as
84 defined in Section 53-5a-601.

85 [(8)] (10) "Trade association" means:

86 (a) any corporation, unincorporated association, federation, business league, or
87 professional or business organization not organized or operated for profit and no part
88 of the net earnings of which inures to the benefit of any private shareholder or
89 individual;

90 (b) an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax under 26
91 U.S.C. Sec. 501(a); and

92 (c) an organization, two or more members of which are manufacturers or sellers of a
93 qualified product.

94 [(9)] (11) "Unlawful misuse" means conduct that violates a statute, ordinance, or regulation
95 as [it] the conduct relates to the use of a qualified product.

96 Section 2. Section **53-5d-103** is amended to read:

97 **53-5d-103 . Limitations on liability.**

98 (1) A manufacturer or seller of a qualified product, or trade association, is not subject to a

99 qualified civil liability action regarding the unlawful misuse of a qualified product
100 unless an injury or death results from an act or omission of the manufacturer, seller, or
101 trade association that constitutes gross negligence, recklessness, or intentional
102 misconduct.

103 (2)(a) A person may not bring a civil liability action against a manufacturer or seller that
104 is based upon Subsection 53-5d-102(7)(b)(iii), concerning a statute applicable to the
105 sale or marketing of a qualified product, unless:

- 106 (i) the statute that is cited as the basis for the civil liability action:
 - 107 (A) explicitly regulates firearms or ammunition; and
 - 108 (B) provides clear and specific requirements that the manufacturer or seller is
109 alleged in the civil liability action to have failed to have met; and
 - 110 (ii) the alleged violation of the statute described in Subsection (2)(a)(i) is alleged to
111 have directly caused the harm alleged in the civil liability action.
- 112 (b) A general consumer protection statute, marketing statute, public nuisance statute, or
113 other statute that does not meet the requirements described in Subsection (2)(a) may
114 not be considered as a statute applicable to the sale or marketing of firearms or
115 ammunition for purposes of Subsection 53-5d-102(7)(b)(iii).
- 116 (c) A court may not interpret Subsection 53-5d-102(7)(b)(iii) broadly.

117 (3) A person may not bring a negligent marketing claim against a manufacturer or seller of
118 a qualified product unless:

- 119 (a) the marketing practice directly targets individuals who are legally prohibited from
120 owning a qualified product;
- 121 (b) the marketing practice encourages or facilitates the unlawful use of a qualified
122 product;
- 123 (c) there is a direct and substantial causal link between the marketing practice and the
124 harm suffered by the plaintiff; and
- 125 (d) the marketing practice violates a state or federal statute that explicitly regulates the
126 sale or marketing of a qualified product in a manner that constitutes a willful and
127 knowing violation of the law.

128 [{2}] (4) A court shall dismiss a civil liability action against a manufacturer, seller, or trade
129 association that:

- 130 (a) [-does not allege any of the provisions of Subsection [53-5d-102(5)(b)-] shall be
131 dismissed.] 53-5d-102(7)(b); or
- 132 (b) does not comply with the requirements described in Subsection (2) or (3).

133 **Section 3. Repealer.**
134 This bill repeals:
135 **Section 53-5d-101, Title.**
136 **Section 4. Effective Date.**
137 This bill takes effect on May 6, 2026.