

2025 Regular Session

HOUSE BILL NO. 289

BY REPRESENTATIVE CARRIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/CIVIL: Provides relative to civil liability of firearm and ammunition manufacturers and distributors

1 AN ACT

2 To amend and reenact R.S. 9:2800.60 and R.S. 40:1799, relative to civil liability for firearm
3 and ammunition manufacturers and distributors; to extend liability protections; to
4 provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2800.60 is hereby amended and reenacted to read as follows:

7 §2800.60. Liability of manufacturers and sellers of firearms

8 A. The legislature finds and declares that the Louisiana Products Liability
9 Act was not designed to impose liability on a manufacturer or seller for the improper
10 use of a properly designed and manufactured product. The legislature further finds
11 and declares that the manufacture and sale of firearms and ammunition by
12 manufacturers, distributors, and dealers, duly licensed by the appropriate federal and
13 state authorities, is lawful activity and is not unreasonably dangerous.

14 B. No firearm or ammunition manufacturer, distributor, or seller shall be
15 liable for any injury, damage, or death resulting from any shooting injury by any
16 other person unless the claimant proves and shows that such injury, damage, or death
17 was proximately caused by the unreasonably dangerous construction or composition
18 of the product as provided in R.S. 9:2800.55.

1 C. Notwithstanding any other provision of law to the contrary, no
2 manufacturer, distributor, or seller of a firearm or ammunition who has transferred
3 that firearm or ammunition in compliance with ~~federal~~ and state law shall incur any
4 liability for any action of any person who uses a firearm in a manner which is
5 unlawful, negligent, or otherwise inconsistent with the purposes for which it was
6 intended.

7 D. The failure of a manufacturer, distributor, or seller to insure that a firearm
8 has a device which would: make the firearm useable only by the lawful owner or
9 authorized user of the firearm; indicate to users that a cartridge is in the chamber of
10 the firearm; or prevent the firearm from firing if the ammunition magazine is
11 removed, shall not make the firearm unreasonably dangerous, unless such device is
12 required by ~~federal~~ or state statute or regulation.

13 E.(1) For the purposes of this Chapter, the potential of a firearm or
14 ammunition to cause serious injury, damage, or death as a result of normal function
15 does not constitute a firearm or ammunition malfunction due to defect in design or
16 manufacture.

17 (2) A firearm or ammunition may not be deemed defective in design or
18 manufacture on the basis of its potential to cause serious bodily injury, property
19 damage, or death when discharged legally or illegally.

20 F. Notwithstanding any provision of law to the contrary, no manufacturer,
21 distributor, or seller of a firearm or ammunition shall incur any liability for failing
22 to warn users of the risk that:

23 (1) A firearm or ammunition has the potential to cause serious bodily injury,
24 property damage, or death when discharged legally or illegally.

25 (2) An unauthorized person could gain access to the firearm or ammunition.

26 (3) A cartridge may be in the chamber of the firearm.

27 (4) The firearm is capable of being fired even with the ammunition magazine
28 removed.

1 G. ~~The provisions of this Section shall not apply to assault weapons~~
2 ~~manufactured in violation of 18 U.S.C. §922(v).~~ In any civil action where the court
3 finds that the defendant is not liable as provided in this Section, the court shall award
4 the defendant all attorney fees, costs, and compensation for loss of income, and
5 expenses incurred as a result of such action.

6 Section 2. R.S. 40:1799 is hereby amended and reenacted to read as follows:

7 §1799. Preemption of state law; liability of manufacturer, trade association, or
8 dealer of firearms and ammunition

9 A. The governing authority of any political subdivision or local or other
10 governmental authority of the state is precluded and preempted from bringing suit
11 to recover against any firearms or ammunition manufacturer, distributor, trade
12 association, or dealer for damages for injury, death, or loss or to seek other injunctive
13 relief resulting from or relating to the ~~lawful~~ design, manufacture, marketing, or sale
14 of firearms or ammunition. The authority to bring such actions as may be authorized
15 by law shall be reserved exclusively to the state.

16 B. This Section shall not prohibit the governing authority of a political
17 subdivision or local or other governing authority of the state from bringing an action
18 against a firearms or ammunition manufacturer, distributor, trade association, or
19 dealer for breach of contract as to firearms or ammunition purchased by the political
20 subdivision or local authority of the state.

21 C. If a governing authority violates the provision of this Section, the
22 defendant may be entitled to court costs and attorney fees.

23 D. The court shall award reasonable attorney fees, court costs, compensation
24 for loss of income, and all expenses to the defendant in any civil action if the court
25 finds that the action was improperly brought under this Section.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 289 Engrossed

2025 Regular Session

Carrier

Abstract: Provides relative to civil liability of firearm and ammunition manufacturers and distributors.

Present law (R.S. 9:2800.60(B)) provides that no firearm manufacturer or seller shall be liable for any injury resulting from any shooting injury by any person unless the injury was the proximate cause of the unreasonably dangerous construction or composition of the product.

Proposed law expands present law to include ammunition manufacturers and distributors of firearms or ammunition.

Present law (R.S. 9:2800.60(C)) provides that no manufacturer or seller of a firearm who has transferred that firearm in compliance with federal and state law shall incur liability for any action of any person who uses the firearm in a manner inconsistent with the intended purpose.

Proposed law includes distributors or sellers of a firearm or ammunition. Additionally, proposed law removes the requirement that the firearm is transferred in compliance with federal law.

Present law (R.S. 9:2800.60(D)) provides that the failure of a manufacturer or seller to insure that a firearm has a device with certain features shall not make the firearm unreasonably dangerous unless such device is required by federal or state statute or regulation.

Proposed law includes distributors of firearms and removes the compliance requirement with federal law.

Present law (R.S. 9:2800.60(E)) provides that the potential of a firearm to cause injury as a result of normal function does not constitute firearm malfunction due to defect in design or manufacture.

Proposed law expands present law to include ammunition.

Present law (R.S. 9:2800.60(F)) provides that no manufacturer or seller of a firearm shall incur liability for failing to warn users of certain risks associated with the use of firearms.

Proposed law expands present law to include distributors and sellers of ammunition.

Present law (R.S. 9:2800.60(G)) does not apply to assault weapons manufactured in violation of 18 U.S.C. §922(v).

Proposed law repeals present law and provides that in any civil action where the court finds that the defendant is not liable, the court shall award all attorney fees, court costs, compensation for loss of income, and expenses incurred as a result of such action.

Present law provides that a governing authority is precluded from bringing suit against any firearm or ammunition manufacturer relating to the lawful design, manufacture, marketing or sale of firearms or ammunition.

Proposed law changes present law to include distributors of firearms or ammunition and removes the requirement that the designs be lawful.

Proposed law provides that if a governing authority violates proposed law, the defendant may be entitled to court costs and attorney fees.

Proposed law provides that the court shall award reasonable attorney fees, court costs, compensation for loss of income, and all expenses to the defendant in any civil action if the court finds that the action was improperly brought.

(Amends R.S. 9:2800.60 and R.S. 40:1799)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Remove the provision that if a civil action precluded by present law is brought, the defendant may recover all expenses resulting from such action from the entity bringing the action.
2. Make technical changes.