

Jordan D. Teuscher proposes the following substitute bill:

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 and firearm-related items.

Highlighted Provisions:

This bill:

- defines terms and amends definitions;
- amends provisions and requirements for certain claims arising from a firearm or

firearm-related item brought against:

- a seller or manufacturer of a firearm or a firearm-related item; or
- a trade association;
- for certain claims arising from a firearm or a firearm-related item:
 - requires a court to dismiss claims that fail to meet specific requirements;
 - grants reasonable attorney fees and court costs to a prevailing defendant in certain circumstances;
 - allows a defendant to appeal an interlocutory order that denies the defendant's motion to dismiss certain claims; and
 - prevents a foreign nation from asserting specific exceptions that may allow a claim for civil liability;
- preempts a political subdivision from imposing civil liability on a manufacturer, seller, or trade association in certain circumstances; 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

ENACTS:

53-5d-104, Utah Code Annotated 1953

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. Limitations on Actions Concerning Firearms and Firearm-Related

Items

53-5d-102 . Definitions.

As used in this chapter:

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

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

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

(4) "Firearm accessory" means the same as that term is defined in Section 53-5a-401.

~~[(2)] (5)(a)~~ "Manufacturer" means, with respect to a qualified product, a person who is engaged in the business of manufacturing a qualified product~~[-and who is licensed to engage in business as a manufacturer under 18 U.S.C. Chapter 44].~~

(b) "Manufacturer" includes an owner, director, officer, employee, or agent of a person described in Subsection (5)(a).

~~[(3)] (6)(a)~~ "Negligent entrustment" means the supplying of a qualified product by a seller for use by ~~[another person]~~ an individual when the seller knows, or reasonably should know, that the [person] individual to whom the [product is supplied] seller is supplying the qualified product is likely to, and does, use the qualified product in a manner involving unreasonable risk of physical injury to the [person or others:] individual's self or to another individual.

(b) "Negligent entrustment" does not include a harm caused by an individual who was

not entrusted with a qualified product directly by a seller.

(7) "Proximate cause" means that a plaintiff's injury is directly caused by a defendant's alleged unlawful conduct.

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

~~[(5)]~~ (8)(a) "Qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by [any] a person against a manufacturer or seller of a qualified product, or a trade association, for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from, on the basis of, arising out of, or in relation to the criminal or unlawful misuse of a qualified product by the person or a third party.

(b) "Qualified civil liability action" includes a claim:

(i) asserted within:

(A) a civil action or proceeding; or

(B) an administrative proceeding; and

(ii) under any theory of liability, including:

(A) a statutory or common law claim; and

(B) a claim arising under contract, tort, nuisance, or negligence law.

~~[(b)]~~ (c) "Qualified civil liability action" does not include:

(i) ~~[an action]~~ a claim brought against a transferor convicted under 18 U.S.C. Sec.

924(h) or ~~[Section 76-11-302]~~ Section 76-11-216 by a party directly harmed by the conduct of which the transferee was convicted;

(ii) ~~[an action]~~ a claim brought against a seller for negligent entrustment or negligence per se;

(iii) ~~[an action]~~ a claim in which a manufacturer or seller of a qualified product 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, including]~~ a statute in one of the following provisions and the statute's violation is the sole proximate cause of the harm for which the claim seeks relief:

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

- 95 ~~[(B) any case in which the manufacturer or seller aided, abetted, or conspired with~~
96 ~~any other person to sell or otherwise dispose of a qualified product, knowing,~~
97 ~~or having reasonable cause to believe, that the actual buyer of the qualified~~
98 ~~product was prohibited from possessing or receiving a firearm or ammunition~~
99 ~~under 18 U.S.C. Sec. 922(g) or (n) or Title 76, Chapter 11, Part 3, Persons~~
100 ~~Restricted Regarding Dangerous Weapons;]~~
101 (A) the Gun Control Act, 18 U.S.C. Sec. 921 et seq.;
102 (B) the Arms Export Control Act, 22 U.S.C. Sec. 2778 et seq.;
103 (C) the National Firearms Act, 26 U.S.C. Sec. 5801 et seq.;
104 (D) the Export Control Reform Act, 50 U.S.C. Secs. 4801 to 4852; or
105 (E) a requirement in Chapter 5a, Firearm Laws, Title 76, Chapter 11, Weapons, or
106 another statute that provides an equivalent requirement to a federal law
107 described in Subsections (8)(c)(iii)(A) through (D), such that the statute
108 intentionally and exclusively imposes a specific and concrete obligation on a
109 manufacturer or seller regarding the manner in which a qualified product is
110 manufactured, distributed, or transferred to an unlicensed person, and does not
111 include a claim premised on statutory or common law nuisance or negligence;
112 (iv) ~~[an action]~~ a claim for breach of contract or warranty in connection with the
113 purchase of the qualified product;
114 (v) ~~[an action]~~ a claim for death, ~~[physical injuries]~~ a physical injury, or property
115 damage resulting directly from a defect in design or manufacture of the qualified
116 product, when the qualified product is being lawfully used as intended or in a
117 reasonably foreseeable manner, except that where the discharge of the qualified
118 product was caused by a volitional act that ~~[constituted]~~ meets the elements of a
119 criminal offense, then the volitional act shall be considered the sole proximate
120 cause of any resulting death, personal injuries, or property damage; or
121 (vi) ~~[an action]~~ a claim or proceeding commenced to enforce the provisions of 18
122 U.S.C. Chapter 44, 26 U.S.C. Chapter 53, or Title 76, Chapter 11, Weapons.
123 ~~[(6)] (9)(a) "Qualified product" means[a firearm or antique firearm, as defined in Section~~
124 ~~76-11-101, ammunition, or a component part of a firearm or ammunition.] :~~
125 (i) ammunition;
126 (ii) an antique firearm;
127 (iii) a firearm; or
128 (iv) a firearm accessory.

(b) "Qualified product" includes a product that is intended to be included in, attached to, used while attached to, or used in conjunction with a firearm or ammunition.

~~[(7)]~~ (10)(a) "Seller" means, with respect to a qualified product[-] :

(i) a federal firearms licensee, as defined in Section 53-5a-601[-] ; or

(ii) a person engaged in the business of selling a qualified product at the wholesale or retail level, including importing and exporting a qualified product.

(b) "Seller" includes an owner, director, officer, employee, or agent of a person described in Subsection (10)(a).

(c) "Seller" does not include a manufacturer.

~~[(8)]~~ (11) "Trade association" means[:]

~~[(a)]~~ any corporation, unincorporated association, federation, business league, or professional or business organization not organized or operated for profit and for which no part of the net earnings of which inures to the benefit of any private shareholder or individual[;] , if:

~~[(b)]~~ (a) ~~[an]~~ the entity is an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax under 26 U.S.C. Sec. 501(a); and

~~[(c)]~~ (b) ~~[an organization,-]~~two or more members of ~~[which]~~ the entity are manufacturers or sellers of a qualified product.

~~[(9)]~~ (12) "Unlawful misuse" means conduct that violates a statute, ordinance, or regulation as [it] the conduct relates to the use of a qualified product.

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

53-5d-103 . Limitations on liability -- Requirements -- Dismissal.

~~[(1) A manufacturer or seller of a qualified product, or trade association, is not subject to a qualified civil liability action regarding the unlawful misuse of a qualified product unless an injury or death results from an act or omission of the manufacturer, seller, or trade association that constitutes gross negligence, recklessness, or intentional misconduct.]~~

(1) A person may not assert a claim, including a qualified civil liability action, against a manufacturer or seller of a qualified product, or a trade association, unless the claim:

(a) is based on an exception described in Subsection 53-5d-102(8)(c); and

(b) pleads with particularity the factual allegations providing the basis for the application of the exception described in Subsection (1)(a), including the factual allegations necessary to establish:

(i) the defendant's culpable mental state; and

- 163 (ii) that the defendant was the proximate cause of the damages alleged in the claim.
- 164 (2) A court shall construe an exception described in Subsection 53-5d-102(8)(c):
- 165 (a) to limit the scope of a permissible claim, if there is a conflict between an exception
- 166 and state statutory or common law; and
- 167 (b) in harmony with other exceptions described in Subsection 53-5d-102(8)(c).
- 168 ~~[(2)]~~ (3) ~~[A civil liability action]~~ A court shall dismiss a claim brought against a
- 169 manufacturer, seller, or trade association [that] unless the claim:
- 170 (a) ~~[does not allege any of the provisions of Subsection 53-5d-102(5)(b) shall be~~
- 171 dismissed.] alleges an exception described in Subsection 53-5d-102(8)(c); and
- 172 (b) complies with the requirements described in Subsection (1).
- 173 (4)(a) A defendant who prevails in a motion to dismiss a claim under Subsection (3) is
- 174 entitled to reasonable attorney fees and court costs.
- 175 (b) A defendant may appeal an interlocutory order of a court that denies the defendant's
- 176 motion to dismiss a claim under Subsection (3).
- 177 (5) A foreign nation may not assert an exception described in Subsection 53-5d-102(8).

178 Section 3. Section **53-5d-104** is enacted to read:

179 **53-5d-104 . State preemption of local regulation.**

- 180 (1) This chapter preempts a political subdivision from enacting any legislation, code,
- 181 ordinance, or rule that imposes civil liability on a manufacturer, seller, or trade
- 182 association for the criminal misuse, alteration, or modification of a qualified product
- 183 under any theory of liability.
- 184 (2) Any legislation, code, ordinance, or rule made by a political subdivision of this state
- 185 described in Subsection (1) is superseded by this chapter.

186 Section 4. **Repealer.**

187 This bill repeals:

188 Section **53-5d-101, Title.**

189 Section 5. **Effective Date.**

190 This bill takes effect on May 6, 2026.