

1 AN ACT relating to firearms liability protections and declaring an emergency.

2 WHEREAS, the Protection of Lawful Commerce in Arms Act, 15 U.S.C. secs.

3 7901 to 7903, provides essential protections to firearms manufacturers and sellers against

4 certain lawsuits arising from criminal or unlawful use of their products; and

5 WHEREAS, the law allows certain lawsuits to proceed if the defendant knowingly

6 violated a state or federal statute relating to the sale or marketing of firearms and the

7 violation was a proximate cause of the alleged harm; and

8 WHEREAS, recent litigation has demonstrated attempts to circumvent the

9 protections afforded by the law through broad interpretations of the provided exceptions;

10 and

11 WHEREAS, it is essential to ensure that firearms manufacturers and sellers are not

12 unfairly held liable for the criminal misuse of their products by defining terms and

13 identifying when a claim may proceed;

14 NOW, THEREFORE,

15 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

16 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 411 IS CREATED TO

17 READ AS FOLLOWS:

18 *(1) As used in this section:*

19 *(a) "Ammunition" has the same meaning as in KRS 237.060;*

20 *(b) "Firearm" has the same meaning as in KRS 237.060;*

21 *(c) "Manufacturer" means any person engaged in the business of*
manufacturing firearms or ammunition for sale or distribution;

22 *(d) "Negligent marketing" means any advertising, promotion, or marketing*
practice by a manufacturer or seller that directly poses a foreseeable and

23 *substantial risk of harm to the purchaser or specific identifiable individuals;*
and

24 *(e) "Seller" means any person engaged in the business of selling firearms or*

1 ammunition at wholesale or retail.

2 (2) Except as provided in subsections (3) and (4) of this section, a manufacturer or
3 seller of firearms or ammunition shall:

4 (a) Not be liable for any harm caused by the criminal or unlawful use or
5 misuse of a firearm or ammunition by any person when the firearm or
6 ammunition functioned as designed and intended; and

7 (b) Be entitled to immunity under any cause of action or theory of recovery
8 under this subsection.

9 (3) A manufacturer or seller of firearms or ammunition shall not be liable for
10 damages under any state or federal statute unless the:

11 (a) Statute alleged to have been violated explicitly regulates firearms and
12 ammunition;

13 (b) Statute alleged to have been violated provides clear, specific, and
14 unequivocable requirements that the manufacturer or seller failed to meet;
15 and

16 (c) Violation directly and proximately caused the alleged harm.

17 (4) A manufacturer or seller of firearms or ammunition shall not be subject to any
18 claim for damages in any negligent marketing action unless all of the following
19 conditions are met:

20 (a) The marketing practice directly and explicitly targeted individuals who are
21 legally prohibited from owning firearms under the laws of this state;

22 (b) The marketing practice explicitly encouraged or facilitated the unlawful use
23 of firearms;

24 (c) There is a direct and proximate causal link between the marketing practice
25 and the alleged harm claimed by the plaintiff; and

26 (d) The marketing practice violated a state or federal statute explicitly
27 regulating the sale or marketing of firearms or ammunition in a manner

that constitutes a willful and knowing violation of the law.

(5) In any action brought under subsection (3) or (4) of this section:

(a) It shall be the plaintiff's burden to establish each required element of the claim by clear and convincing evidence;

(b) Any manufacturer or seller of firearms or ammunition shall be permitted to file a special motion for dismissal or summary judgment which shall be heard by the court no later than forty-five (45) days after filing unless discovery is required, in which case the:

1. Court may order a discovery period not to exceed sixty (60) days; and

2. Discovery shall be limited to the issues of whether the requirements of subsection (3) or (4) are met;

12 (c) Any order denying a special motion to dismiss or a special motion for
13 *summary judgment under this subsection shall be:*

1. Immediately appealable; and

2. *Subject to expedited review; and*

16 (d) Any manufacturer or seller of firearms or ammunition may obtain a writ of
17 mandamus requiring the court to comply with the timelines established in
18 this subsection.

19 (6) Any person, including any attorney of record, who brings, maintains, or
20 continues to pursue a claim in violation of this section after the effective date of
21 this Act shall be subject to:

(a) Dismissal of the claim with prejudice;

(b) An order requiring payment of reasonable attorney's fees and costs incurred by the defendant after the effective date of this Act; and

(c) A civil penalty of not less than one hundred dollars (\$100) per day and not more than two hundred fifty dollars (\$250) per day for each day that any action brought in violation of this section remains pending after the

1 effective date of this Act.

2 (7) Any manufacturer or seller harmed by a claim brought, maintained, or continued
3 in violation of this section after the effective date of this Act, may initiate a civil
4 action in a court of competent jurisdiction and may seek against any party, or the
5 party's attorney of record:

6 (a) Appropriate injunctive relief;

7 (b) Actual damages;

8 (c) Punitive damages if it is established that the defendant acted with actual
9 malice or engaged in willful misconduct;

10 (d) Costs;

11 (e) Reasonable attorney's fees; and

12 (f) A civil penalty of not less than one hundred dollars (\$100) per day and not
13 more than two hundred fifty dollars (\$250) per day for each day that any
14 action brought in violation of this section remains pending after the
15 effective date of this Act.

16 (8) Notwithstanding any other law to the contrary, the provisions of:

17 (a) KRS Chapter 367;

18 (b) Any public nuisance law; or

19 (c) Any general law of this Commonwealth;

20 shall not be considered as statutes applicable to the sale or marketing of firearms
21 or ammunition for purposes of this section and shall not provide a basis to
22 circumvent the explicit requirements of subsections (3)(a) and (b) and (4)(d) of
23 this section.

24 (9) The Attorney General shall have authority to:

25 (a) Enforce the provisions of this section;

26 (b) Intervene in any civil action brought under this section; and

27 (c) Issue guidance to carry out the provisions of this section.

1 ➔Section 2. This Act shall apply to any action filed on or after the effective date
2 of this Act against a seller or manufacturer of firearms or ammunition, and to any actions
3 that are pending without a final adjudication on the effective date of this Act.

4 ➔Section 3. If any provision of this Act or the application thereof to any person
5 or circumstance is held invalid, the invalidity shall not affect other provisions or
6 applications of the Act that can be given effect without the invalid provision or
7 application, and to this end the provisions of this Act are severable.

8 ➔Section 4. Whereas it is necessary and essential to fundamental liberty to
9 protect the rights afforded by the Second Amendment of the Constitution of the United
10 States and to protect industries and individuals supporting those rights, an emergency is
11 declared to exist, and this Act takes effect upon its passage and approval by the Governor
12 or upon its otherwise becoming a law.

13 ➔Section 5. This Act may be cited as the Protection of Lawful Commerce in
14 Arms (PLCAA) Clarification Act of 2026.